TWENTY YEARS OF CONGRESS

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U. S. Grant

TWENTY YEARS OF CONGRESS:

FROM

LINCOLN TO GARFIELD.

WITH A REVIEW OF

THE EVENTS WHICH LED TO THE POLITICAL REVOLUTION OF 1860.

BY

JAMES G. BLAINE.

VOLUME II.

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ABRAHAM LINCOLN expired at twenty-two minutes after seven o'clock on the morning of April 15, 1865. Three hours later, in the presence of all the members of the Cabinet except Mr. Seward who lay wounded and bleeding in his own home, the oath of office, as President of the United States, was administered to Andrew Johnson by Chief Justice Chase. The simple but impres-

sive ceremony was performed in Mr. Johnson's lodgings at the Kirkwood Hotel; and besides the members of the Cabinet, who were present in their official character, those senators who had remained in Washington since the adjournment of Congress were called in as witnesses. While the death of Mr. Lincoln was still unknown to the majority of the citizens of the Republic, his successor was installed in office, and the administration of the Federal Government was radically changed. It was especially fortunate that the Vice-President was at the National Capital. He had arrived but five days before, and was intending to leave for his home in Tennessee within a few hours. His prompt investiture with the Chief Executive authority of the Nation preserved order, maintained law, and restored confidence to the people. With the defeat and disintegration of the armies of the Confederacy, and with the approaching disbandment of the armies of the Union, constant watchfulness was demanded of the National Executive. It is a striking tribute to the strength of the Constitution and of the Government that the orderly administration of affairs was not interrupted by a tragedy which in many countries might have been the signal for a bloody revolution.

The new President confronted grave responsibilities. The least reflecting among those who took part in the mighty struggle perceived that the duties devolved upon the Government by victory — if less exacting and less critical than those imposed by actual war — were more delicate in their nature, and required statesmanship of a different character. The problem of reconstructing the Union, and adapting its varied interests to its changed condition, demanded the highest administrative ability. Many of the questions involved were new, and, if only for that reason, perplexing. No experience of our own had established precedents; none in other countries afforded even close analogies. Rebellions and civil wars had, it is true, been frequent, but they had been chiefly among peoples consolidated under one government, ruled in all their affairs, domestic and external, by one central power. The overthrow of armed resistance in such cases was the end of trouble, and political society and public order were rapidly re-formed under the restraint which the triumphant authority was so easily able to impose.

A prompt adjustment after the manner of consolidated governments was not practicable under our Federal system. In the division of functions between the Nation and the State, those that reach and affect the citizen in his every-day life belong principally to the

State. The tenure of land is guarantied and regulated by State Law; the domestic relations of husband and wife, parent and child, guardian and ward, together with the entire educational system, are left exclusively to the same authority, as is also the preservation of the public peace by proper police-systems — the National Government intervening only on the call of the State when the State's power is found inadequate to the suppression of disorder. These leading functions of the State were left in full force under the Confederate Government; and the Confederate Government being now destroyed, and the States that composed it being under the complete domination of the armies of the Union, the whole framework of society was in confusion, if not indeed in chaos. To restore the States to their normal relations to the Union, to enable them to organize governments in harmony with the fundamental changes wrought by the war, was the embarrassing task which the Administration of President Johnson was compelled to meet on the very threshold of its existence.

The successful issue of these unprecedented and complicated difficulties depended in great degree upon the character and temper of the Executive. Many wise men regarded it as a fortunate circumstance that Mr. Lincoln's successor was from the South, though a much larger number in the North found in this fact a source of disquietude. Mr. Johnson had the manifest disadvantage of not possessing any close or intimate knowledge of the people of the Loyal States. It was feared moreover, that his relations with the ruling spirits of the South in the exciting period preceding the war specially unfitted him for harmonious co-operation with them in the pending exigencies.

The character and career of Mr. Johnson were anomalous and in many respects contradictory. By birth he belonged to that large class in the South known as "poor whites," — a class scarcely less despised by the slave-holding aristocracy than were the human chattels themselves. Born in North Carolina, and bred to the trade of a tailor, he reached his fifteenth year before he was taught even to read. In his eighteenth year he migrated to Tennessee, and established himself in that rich upland region on the eastern border of the State, where by altitude the same agricultural conditions are developed that characterize the land which lies several degrees farther North. Specially adapted to the cereals, the grasses, and the fruits of Southern Pennsylvania and Ohio, East Tennessee could not em-

ploy slave-labor with the profit which it brought in the rich cotton-fields of the neighboring lowlands, and the result was that the population contained a large majority of whites.

Owing much to a wise marriage, pursuing his trade with skill and industry, Johnson gained steadily in knowledge and in influence. Ambitious, quick to learn, honest, necessarily frugal, he speedily became a recognized leader of the class to which he belonged. Before he had attained his majority he was chosen to an important municipal office, and at twenty-two he was elected mayor of his town. Thenceforward his promotion was rapid. At twenty-seven he was sent to the Legislature of his State; and in 1840, when he was in his thirty-second year, he was nominated for the office of Presidential elector and canvassed the State in the interest of Mr. Van Buren. Three years later he was chosen representative in Congress where he served ten years. He was then nominated for governor, and in the elections of 1853 and 1855 defeated successively two of the most popular Whigs in Tennessee, Gustavus A. Henry and Meredith P. Gentry. In 1857 he was promoted to the Senate of the United States, where he was serving at the outbreak of the civil war.

While Mr. Johnson had been during his entire political life a member of the Democratic party, and had attained complete control in his State, the Southern leaders always distrusted him. Though allied to the interests of slavery and necessarily drawn to its defense, his instincts, his prejudices, his convictions were singularly strong on the side of the free people. His sympathies with the poor were acute and demonstrative — leading him to the advocacy of measures which in a wide and significant sense were hostile to slavery. In the early part of his career as a representative in Congress, he warmly espoused, if indeed he did not originate, the homestead policy. In support of that policy he followed a line of argument and illustration absolutely and irreconcilably antagonistic to the interests of the slave system as those interests were understood by the mass of Southern Democratic leaders.

The bestowment of our public domain in quarter-sections (a hundred and sixty acres of land) upon the actual settler, on the simple condition that he should cultivate it and improve it as his home, was a more effective blow against the spread of slavery in the Territories than any number of legal restrictions or *provisos* of the kind proposed by Mr. Wilmot. Slavery could not be established with success except upon the condition of large tracts of land for the master, and

the exclusion of the small farmer from contact and from competition. The example of the latter's manual industry and his consequent thrift and prosperity, must ultimately prove fatal to the entire slave system. It may not have been Mr. Johnson's design to injure the institution of slavery by the advocacy of the homestead policy; but such advocacy was nevertheless hostile, and this consideration did not stay his hand or change his action.

Mr. Johnson's mode of urging and defending the homestead policy was at all times offensive to the mass of his Democratic associates of the South, many of whom against their wishes were compelled to support the measure on its final passage, for fear of giving offense to their landless white constituents, and in the still more pressing fear, that if Johnson should be allowed to stand alone in upholding the measure, he would acquire a dangerous ascendency over that large element in the Southern population. Johnson spoke with ill-disguised hatred of "an inflated and heartless landed aristocracy," not applying the phrase especially to the South, but making an argument which tended to sow dissension in that section. He declared that "the withholding of the use of the soil from the actual cultivator is violative of the principles essential to human existence," and that when "the violation reaches that point where it can no longer be borne, revolution begins." His argument startlingly outlined a condition such as has long existed in Ireland, and applied it with suggestive force to the possible fate of the South.

He then sketched his own ideal of a rural population, an ideal obviously based on free labor and free institutions. "You make the settler on the domain," said he, "a better citizen of the community. He becomes better qualified to discharge the duties of a freeman. He is, in fact, the representative of his own homestead, and is a man in the enlarged and proper sense of the term. He comes to the ballot-box and votes without the fear or the restraint of some landlord. After the hurry and bustle of election day are over, he mounts his own horse, returns to his own domicil, goes to his own barn, feeds his own stock. His wife turns out and milks their own cows, churns their own butter; and when the rural repast is ready, he and his wife and their children sit down at the same table together to enjoy the sweet product of their own hands, with hearts thankful to God for having cast their lots in this country where the land is made free under the protecting and fostering care of a beneficent Government."

The picture thus presented by Johnson was not the picture of a home in the slave States, and no one knew better than he that it was a home which could not be developed and established amid the surroundings and the influences of slavery. It was a home in the North-West, and not in the South-West. Proceeding in his speech, Johnson became still more warmly enamored of his hero on the homestead, and with a tongue that seemed touched with the gift of prophecy he painted him in the possible career of a not distant future. "It has long been near my heart," said he in the House of Representatives in July, 1850, "to see every man in the United States domiciled. Once accomplished, it would create the strongest tie between the citizen and the Government: what a great incentive it would afford to the citizen to obey every call of duty! At the first summons of the note of war you would find him leaving his plow in the half-finished furrow, taking his only horse and converting him into a war-steed: his scythe and sickle would be thrown aside, and with a heart full of valor and patriotism he would rush with alacrity to the standard of his country."

Such appeals for popular support subjected Johnson to the imputation of demagogism, and earned for him the growing hatred of that dangerous class of men in the South who placed the safety of the institution of slavery above the interest and the welfare of the white laborer. But if he was a demagogue, he was always a brave one. In his early political life, when the mere nod of President Jackson was an edict in Tennessee, Johnson did not hesitate to espouse the cause of Hugh L. White when he was a candidate for the Presidency in 1836, nor did he fear to ally himself with John Bell in the famous controversy with Jackson's *protégé*, James K. Polk, in the fierce political struggle of 1834–5. Though he returned to the ranks of the regular Democracy in the contest between Harrison and Van Buren, he was bold enough in 1842 to propose in the Legislature of Tennessee that the apportionment of political power should be made upon the basis of the white population of the State. He saw and keenly felt that a few white men in the cotton section of the State, owning many slaves, were usurping the power and trampling upon the rights of his own constituency, among whom slaves were few in number and white men numerous. Those who are familiar with the savage intolerance which prevailed among the slave-holders can justly measure the degree of moral and physical courage required in any man who would assail their power at a vital

point in the framework of a government specially and skillfully devised for their protection.

In all the threats of disunion, in all the plotting and planning for secession which absorbed Southern thought and action between the years 1854 and 1861, Mr. Johnson took no part. He had been absent from Congress during the exciting period when the Missouri Compromise was overthrown; and though, after his return in 1857, he co-operated generally in the measures deemed essential for Southern interests, he steadily declared that a consistent adherence to the Constitution was the one and the only remedy for all the alleged grievances of the slave-holders. It was natural therefore, that when the decisive hour came, and the rash men of the South determined to break up the Government, Johnson should stand firmly by the Union.

Of the twenty-two senators from the eleven States that afterwards composed the Confederacy, Johnson was the only one who honorably maintained his oath to support the Constitution; the only one who did not lend aid and comfort to the enemies of the Union. He remained in his seat in the Senate, loyal to the Government, and resigned a year after the outbreak of the war (in March, 1862), upon Mr. Lincoln's urgent request that he should accept the important post of Military Governor of Tennessee. His administration of that office and his firm discharge of every duty under circumstances of great exigency and oftentimes of great peril, gave to him an exceptional popularity in all the Loyal States, and led to his selection for the Vice-Presidency in 1864. The national calamity had now suddenly brought him to a larger field of duty, and devolved upon him the weightiest responsibility.

The assassination of Mr. Lincoln naturally produced a widespread depression and dread of evil. His position had been one of exceptional strength with the people. By his four years of considerate and successful administration, by his patient and positive trust in the ultimate triumph of the Union — realized at last as he stood on the edge of the grave — he had acquired so complete an ascendency over the public mind in the Loyal States that any policy matured and announced by him would have been accepted by a vast majority of his countrymen. But the same degree of faith could not attach to Mr. Johnson; although after the first shock of the assassination had subsided, there was a generous revival of trust, or at least of hope, that the great work which had been so faithfully

prosecuted for four years would be faithfully carried forward in the same lofty spirit to the same noble ends. The people of the North waited with favorable disposition and yet with balancing judgment and in exacting mood. They had enjoyed abundant opportunity to acquaint themselves with the principles and the opinions of the new President, and confidence in his future policy was not unaccompanied by a sense of uncertainty and indeed by an almost painful suspense as to his mode of solving the great problems before him. As has been already indicated, the more radical Republicans of the North feared that his birth and rearing as a Southern man and his long identification with the supporters of the slave system might blind him to the most sacred duties of philanthropy, while the more conservative but not less loyal or less humane feared that from the personal antagonisms of his own stormy career he might be disposed to deal too harshly with the leaders of the conquered rebellion. The few words which Mr. Johnson had addressed to those present when he took the oath of office were closely scanned and carefully analyzed by the country, even in the stunning grief which Mr. Lincoln's death had precipitated. It was especially noticed that he refrained from declaring that he should continue the policy of his predecessor. By those who knew Mr. Johnson's views intimately, the omission was understood to imply that Mr. Lincoln had intended to pursue a more liberal and more generous policy with the rebels than his successor deemed expedient or prudent.

It was known to a few persons that when Mr. Johnson arrived from Fortress Monroe on the morning of April 10, and found the National Capital in a blaze of patriotic excitement over the surrender of Lee's army the day before at Appomattox, he hastened to the White House, and addressed to the unwilling ears of Mr. Lincoln an earnest protest against the indulgent terms conceded by General Grant. Mr. Johnson believed that General Lee should not have been permitted to surrender his sword as a soldier of honor, but that General Grant should have received the entire command as prisoners of war, and should have held Lee in confinement until he could receive instructions from the Administration at Washington. The spirit which these views indicated was understood by those who best knew Mr. Johnson to be contained, if not expressed, in this declaration of his first address: "As to an indication of any policy which may be pursued by me in the conduct of the Government, I have to say that that must be left for development as the Administration

progresses. The message or the declaration must be made by the acts as they transpire. The only assurance I can now give of the future is by reference to the past."

The effect produced upon the public by this speech, which might be regarded as an Inaugural address, was not happy. Besides its evasive character respecting public policies which every observing man noted with apprehension, an unpleasant impression was created by its evasive character respecting Mr. Lincoln. The entire absence of eulogy of the slain President was remarked. There was no mention of his name or of his character or of his office. The only allusion in any way whatever to Mr. Lincoln was Mr. Johnson's declaration that he was "almost overwhelmed by the announcement of the sad event which has so recently occurred." While he found no time to praise one whose praise was on every tongue, he made ample reference to himself and his own past history. Though speaking not more than five minutes, it was noticed that "I" and "my" and "me" were mentioned at least a score of times. A boundless egotism was inferred from the line of his remarks: "My past public life which has been long and laborious has been founded, as I in good conscience believe, upon a great principle of right which lies at the basis of all things." "I must be permitted to say, if I understand the feelings of my own heart, I have long labored to ameliorate and alleviate the condition of the great mass of the American people." "Toil and an honest advocacy of the great principles of free government have been my lot. The duties have been mine, the consequences God's." Senator John P. Hale of New Hampshire, who was present on the occasion, said with characteristic wit, that "Johnson seemed willing to share the glory of his achievements with his Creator, but utterly forgot that Mr. Lincoln had any share of credit in the suppression of the Rebellion."

Three days later (April 18) a delegation of distinguished citizens of Illinois called upon Mr. Johnson under circumstances at once extraordinary and touching. The dead President still lay in the White House. Before the solemn and august procession should leave the National Capital to bear his mortal remains to the State which had loved and honored him, the Illinois delegation called to assure his successor of their respect and their confidence. Governor Oglesby who spoke for his associates, addressed the President in language eminently befitting the occasion. "In the midst of this sadness," said he, "through the oppressive gloom that surrounds us,

we look to you and to a brighter future for our country. . . . The record of your past life, familiar to all, your noble efforts to stay the hand of treason and restore our flag to the uttermost bounds of the Republic, give assurance to the great State we represent that we may safely trust the nation's destinies in your hands."

Mr. Johnson responded in a speech of much greater length than his first, embodying a wider range of topics than seemed to be demanded by the proprieties of the occasion. He evidently strove to repair the error of his former address. He now diminished the number of gratulatory allusions to his own career, and made appropriate and affecting reference to his predecessor. He spoke with profound emotion of the tragical termination of Mr. Lincoln's life: "The beloved of all hearts has been assassinated." Pausing thoughtfully he added, "And when we trace this crime to its cause, when we remember the source whence the assassin drew his inspiration, and then look at the result, we stand yet more astounded at this most barbarous, most diabolical act. . . . We can trace its cause through successive steps back to that source which is the spring of all our woes. No one can say that if the perpetrator of this fiendish deed be arrested, he should not undergo the extremest penalty of the law known for crime: none will say that mercy should interpose. But is he alone guilty? Here, gentlemen, you perhaps expect me to present some indication of my future policy. One thing I will say: every era teaches its lesson. The times we live in are not without instruction. The American people must be taught — if they do not already feel — that treason is a crime and must be punished. The Government must be strong not only to protect but to punish. When we turn to the criminal code we find arson laid down as a crime with its appropriate penalty. We find theft and murder denounced as crimes, and their appropriate penalty prescribed; and there, too, we find the last and highest of crimes, — treason. . . . The people must understand that treason is the blackest of crimes and will surely be punished. . . . Let it be engraven on every mind that treason is a crime, and traitors shall suffer its penalty. . . . I do not harbor bitter or resentful feelings towards any. . . . When the question of exercising mercy comes before me it will be considered calmly, judicially — remembering that I am the Executive of the Nation. I know men love to have their names spoken of in connection with acts of mercy, and how easy it is to yield to that impulse. But we must never forget that what may be mercy to the individual is cruelty to the State."

This speech was reported by an accomplished stenographer, and was submitted to Mr. Johnson's inspection before publication. It contained a declaration intimating to his hearers, if not explicitly assuring them, that "the policy of Mr. Lincoln in the past shall be my policy in the future." When in reading the report he came to this passage, Mr. Johnson queried whether his words had not been in some degree misapprehended; and while he was engaged with the stenographer in modifying the form of expression, Mr. Preston King of New York, who was constantly by his side as adviser, interposed the suggestion that all reference to the subject be stricken out. To this Mr. Johnson promptly assented. He had undoubtedly gone farther than he intended in speaking to Mr. Lincoln's immediate friends, and the correction — inspired by one holding the radical views of Mr. King — was equivalent to a declaration that the policy of Mr. Lincoln had been more conservative than that which he intended to pursue. By those who knew the character of Mr. Johnson's mind, the ascendency of Mr. King in his councils, and the retirement of Mr. Seward from the State Department were foregone conclusions. The known moderation of Mr. Seward's views would not consist with the fierce vigor of the new administration as now clearly foreshadowed. Mr. Seward and Mr. King, moreover, were not altogether in harmony in New York; and this was so far recognized by the public that Mr. King's displacement from the Senate by the election of Governor Morgan two years before was universally attributed to the Seward influence skillfully directed by Mr. Thurlow Weed. The resentment felt by Mr. King's friends had been very deep, and the opportunity to gratify it seemed now to be presented.

As soon as the Illinois delegation had retired, the members of the Christian Commission then in session at Washington called upon the President. In reply to their earnest address, he begged them as intelligent men representing the power of the Christian Church, to exert their moral influence "in erecting a standard by which everybody should be taught to believe that treason is the highest crime known to the laws, and that the perpetrator should be visited with the punishment which he deserves." This substantial repetition of the views expressed in his Illinois speech derived significance from the fact that the clergyman who spoke for the Christian Commission (Rev. Dr. Borden of Albany) had expressed the hope in his address to the President that "in the administration of justice, mercy would follow the success of arms."

While the remains of the late President were yet reposing in the National Capital, and still more while his funeral-train was on the way to his tomb, the reception of official deputations and political bodies was continued by his successor. Mr. Johnson was always ready to explain with some iteration and with great emphasis his views of the Government's duty respecting those who had been engaged in rebellion against its authority. To a representative body of loyal Southerners who by reason of their fidelity to the Union had been compelled to flee from home, Mr. Johnson was especially demonstrative in his sympathy, and positive in his assurances. In reply to their address he said: "It is hardly necessary for me on this occasion to declare that my sympathies and impulses in connection with this nefarious rebellion beat in unison with yours. Those who have passed through this bitter ordeal and who participated in it to a great extent, are more competent, as I think, to judge and determine the true policy that should be pursued. I know how to appreciate the condition of being driven from one's home. I can sympathize with him whose all has been taken from him: I can sympathize with him who has been driven from the place that gave his children birth. . . . *I have become satisfied that mercy without justice is a crime*, and that when mercy and clemency are exercised by the Executive it should always be done in view of justice. In that manner alone the great prerogative of mercy is properly exercised. The time has now come, as you who have had to drink this bitter cup are fully aware, when the American people should be made to understand the true nature of crime. Of crime generally our people have a high understanding as well as of the necessity of its punishment; but in the catalogue of crimes there is one, and that the highest known to the laws and the Constitution, of which since the days of Aaron Burr they have become oblivious. That crime is *treason*. The time has come when the people should be taught to understand the length and breadth, the height and depth, of treason. One who has become distinguished in the rebellion says that 'when traitors become numerous enough, treason becomes respectable, and to become a traitor is to constitute a portion of the aristocracy of the country.' God protect the American people against such an aristocracy! . . . When the Government of the United States shall ascertain who are the conscious and intelligent traitors the penalty and the forfeit should be paid."

A delegation of Pennsylvanians called upon him with ex-Secre-

tary Simon Cameron as their spokesman. In reply Mr. Johnson said, "There has been an effort since this rebellion began, to make the impression that it was a mere political struggle, or, as I see it thrown out in some of the papers, a struggle for the ascendency of certain principles from the dawn of the government to the present time, and now settled by the final triumph of the Federal arms. If this is admitted, the Government is at an end; for no question can arise but they will make it a party issue, and then to whatever length they carry it, the party defeated will be only a party defeated, with no crime attaching thereto. But I say treason is a crime, the very highest crime known to the law, and there are men who ought to suffer the penalty of their treason! . . . To the unconscious, the deceived, the conscripted, in short, to the great mass of the misled, I would say mercy, clemency, reconciliation, and the restoration of their government. But to those who have deceived, to the conscious, intelligent, influential traitor who attempted to destroy the life of a nation, I would say, on you be inflicted the severest penalties of your crime."

The inflexible sternness of Mr. Johnson's tone and the frequent repetition of his intention to inflict the severest penalty of the law upon the leading traitors, began to create apprehension in the North. It was feared that the country might be called upon to witness, after the four years' carnival of death on the battle-field and in the hospital, an era of "bloody assizes," made the more rigorous and revengeful from the peculiar sense of injury which the President, as a loyal Southerner, had realized in his own person. This feeling was probably still further aggravated by his avowed sympathy with the thousands in the South who had been maimed, driven from home, stripped of all their property, simply because of their fidelity to the Constitution and the Union of their fathers. The spirit of the *Vendetta*, unknown in the Northern States, was frequently shown in the South, where it had long been domesticated with all its Corsican ferocity. It had raged in many instances to the extermination of families, and in many localities to the destruction of peace and the utter defiance of law — not infrequently indeed paralyzing the administration of justice in whole counties. Often seeking and waging open combat with ferocious courage, it did not hesitate at secret murder, at waylaying on lonely roads with superior numbers, and it sometimes went so far as to torture an unhappy victim before the final death-blow. The language of Mr. Johnson was interpreted

by the merciful in the North as indicating that his own injuries and fierce conflicts during the war had possibly inspired him with this fell spirit of revenge, which in his zeal he might mistake for the rational demands of justice.

A personal and somewhat curious illustration of Mr. Johnson's temper and purpose at the time is afforded by a conference between himself and Senator Wade of Ohio. Mr. Wade was widely known as among the radical and progressive members of the Republican party. His immediate constituents of the Western Reserve were a just and God-fearing people, amply endowed with both moral and physical courage; but they were not men of blood, and they were not in sympathy with the apparent purposes of the President. It is not improbable that Mr. Wade's views were somewhat in advance of those held by the majority of the people he represented, but he was evidently not in accord with the threatenings and slaughter breathed out by the President.

"Well, Mr. Wade, what would you do were you in my place and charged with my responsibilities?" inquired the President. "I think," replied the frank and honest old senator from Ohio, "I should either force into exile or hang about ten or twelve of the worst of those fellows: perhaps by way of full measure, I should make it thirteen, just a baker's dozen." — "But how," rejoined the President, "are you going to pick out so small a number and show them to be guiltier than the rest?" — "It won't do to hang a very large number," rejoined Wade, "and I think if you would give me time, I could name thirteen that stand at the head in the work of rebellion. I think we would all agree on Jeff Davis, Toombs, Benjamin, Slidell, Mason, and Howell Cobb. If we did no more than drive these half-dozen out of the country, we should accomplish a good deal."

The interview was long, and at its close Mr. Johnson expressed surprise that Wade was willing to let "the traitors," as he always styled them, "escape so easily." He said that he had expected the heartiest support from Wade in a policy which, as he outlined it to the senator, seemed in *thoroughness* to rival that of Strafford. Mr. Wade left the Executive Mansion with his mind divided between admiration for the stern resolve and high courage of the President on the one hand, and his fear on the other that a policy so determined and aggressive as Mr. Johnson seemed bent on pursuing, might work a re-action in the North, and that thus in the end less

might be done in providing proper safeguards against another rebellion, than if too much had not been attempted.

The remains of the late President lay in state at the Executive Mansion for four days. The entire city seemed as a house of mourning. It was remarked that even the little children in the streets wore no smiles upon their faces, so deeply were they impressed by the calamity which had brought grief to every loyal heart. The martial music which had been resounding in glad celebration of the national triumph had ceased; public edifice and private mansion were alike draped with the insignia of grief; the flag of the Union, which had been waving more proudly than ever before, was now lowered to half-mast, giving mute but significant expression to the sorrow that was felt wherever on sea or land that flag was honored.

Funeral services, conducted by the leading clergymen of the city, were held in the East Room on Wednesday the 19th of April. Amid the solemn tolling of church-bells, and the still more solemn thundering of minute-guns from the vast line of fortifications which had protected Washington, the body, escorted by an imposing military and civic procession, was transferred to the rotunda of the Capitol. The day was observed throughout the Union as one of fasting, humiliation, and prayer. The deep feeling of the people found expression in all the forms of religious solemnity. Services in the churches throughout the land were held in unison with the services at the Executive mansion, and were everywhere attended with exhibition of profound personal grief. In all the cities of Canada business was suspended, public meetings of condolence with a kindred people were held, and prayers were read in the churches. Throughout the Confederate States where war had ceased but peace had not yet come, the people joined in significant expressions of sorrow over the death of him whose very name they had been taught to execrate.

Early on the morning of the 21st the body was removed from the Capitol and placed on the funeral-car which was to transport it to its final resting-place in Illinois. The remains of a little son who had died three years before, were taken from their burial-place in Georgetown and borne with those of his father for final sepulture in the stately mausoleum which the public mind had already decreed to the illustrious martyr. The train which moved from the National

Capital was attended on its course by extraordinary manifestations of grief on the part of the people. Baltimore, which had reluctantly and sullenly submitted to Mr. Lincoln's formal inauguration and to his authority as President, now showed every mark of honor and of homage as his body was borne through her streets, Confederate and Unionist alike realizing the magnitude of the calamity which had overwhelmed both North and South. In Philadelphia the entire population did reverence to the memory of the murdered patriot. A procession of more than a hundred thousand persons formed his funeral *cortége* to Independence Hall, where the body remained until the ensuing day. The silence of the sorrowful night was in strange contrast with the scene in the same place, four years before, when Mr. Lincoln, in the anxieties and perils of the opening rebellion, hoisted the National flag over our ancient Temple of Liberty, and before a great and applauding multitude defended the principles which that flag typifies. He concluded in words which, deeply impressive at the time, proved sadly prophetic now that his dead body lay in a bloody shroud where his living form then stood: "*Sooner than surrender these principles, I would be assassinated on this spot.*"

In the city of New York the popular feeling was, if possible, even more marked than in Philadelphia. The streets were so crowded that the procession moved with difficulty to the City Hall, where, amid the chantings of eight hundred singers, the body was placed upon the catafalque prepared for it. Throughout the day and throughout the entire night the living tide of sorrowful humanity flowed past the silent form. At the solemn hour of midnight the German musical societies sang a funeral-hymn with an effect so impressive and so touching that thousands of strong men were in tears. Other than this no sound was heard throughout the night except the footsteps of the advancing and receding crowd. At sunrise many thousands still waiting in the park were obliged to turn away disappointed. It was observed that every person who passed through the hall, even the humblest and poorest, wore the insignia of mourning. In a city accustomed to large assemblies and to unrestrained expressions of popular feeling, no such scene had ever been witnessed. On the afternoon appointed for the procession to move Westward, all business was suspended, and the grief of New York found utterance in Union Square before a great concourse of people in a funeral oration by the historian Bancroft and in an elegiac ode by William Cullen Bryant.

Similar scenes were witnessed in the great cities along the entire route. Final obsequies were celebrated in Oakridge Cemetery near Springfield on the fourth day of May. Major-General Joseph Hooker acted as chief marshal upon the occasion, and an impressive sermon was pronounced by Bishop Simpson of the Methodist-Episcopal church. Perhaps in the history of the world no such outpouring of the people, no such exhibition of deep feeling, had ever been witnessed as on this funeral march from the National Capital to the capital of Illinois. The pomp with which sovereigns and nobles are interred is often formal rather than emotional, attaching to the rank rather than to the person. Louis Philippe appealed to the sympathy of France when he brought the body of the Emperor Napoleon from St. Helena twenty years after his death; but the popular feeling among the French was chiefly displayed in connection with the elaborate rites which attended the transfer of the dead hero to the *Invalides*, where the shattered remnants of his valiant and once conquering legions formed for the last time around him. Twelve years later the victorious rival by whom the imperial warrior was at last overcome, received from the populace of London, as well as from the crown, the peers, and the commons of England, the heartiest tribute that Britons ever paid to human greatness.

The splendor of the ceremonials which aggrandize living royalty as much as they glorify dead heroism, was wholly wanting in the obsequies of Mr. Lincoln. No part was taken by the Government except the provision of a suitable military escort. All beyond was the spontaneous movement of the people. For seventeen hundred miles, through eight great States of the Union whose population was not less than fifteen millions, an almost continuous procession of mourners attended the remains of the beloved President. There was no pageantry save their presence. There was no tribute but their tears. They bowed before the bier of him who had been prophet, priest, and king to his people, who had struck the shackles from the slave, who had taught a higher sense of duty to the free man, who had raised the Nation to a loftier conception of faith and hope and charity. A countless multitude of men, with music and banner and cheer and the inspiration of a great cause, presents a spectacle that engages the eye, fills the mind, appeals to the imagination. But the deepest sympathy of the soul is touched, the height of human sublimity is reached, when the same multitude, stricken with a common sorrow, stands with uncovered head, reverent and silent.

CHAPTER II.

Military Review in Honor of Union Victory. — The Eastern and Western Armies. — Their Great Achievements. — Special Interest. — Number of Battles during the War. — Number Each Year. — Struggle of 1864-65. — Discipline of the Army. — Moral Responsibility of continuing the Contest. — Needless Slaughter of Men. — Confederate Responsibility. — Speech of Robert M. T. Hunter, followed by Judah P. Benjamin. — Extreme Measures advocated by him. — His Over-Zeal. — Mr. Benjamin seeks Refuge in England. — His Success there due to English Sympathy with the Rebellion. — His Malignity towards the Union. — Southern Character. — Its Strong Points and its Weak Points. — Conduct of Confederate Congress. — Their Inflammatory Address. — Its Extravagance and Absurdity. — Jefferson Davis's Address to Congress. — His Lack of Moral Courage. — Disbandment of Union Army, 1,000,516 Men. — Another Million gone before. — Self-Support and Self-Adjustment. — Comparison with the Army of the Revolution. — Union Officers all Young Men. — Ages of Officers in Other Wars. — Ages of Regular Army Officers. — Of Volunteer Officers. — Harmony of the two. — Special Efficiency of the Volunteers. — Magnitude of the Union Army. — The Infantry, Cavalry, Artillery. — Number of Generals. — Number of Regiments. — Military Resources of the Republic. — Its Security in Time of Danger.

FROM saddening associations with the tragical death of Mr. Lincoln, popular attention was turned three weeks after his interment to a great military display in the Capital of the Nation in honor of the final victory for the Union. The exigencies of the closing campaign had transferred the armies commanded by General Sherman from the Mississippi Valley to the Atlantic coast. The soldiers of Port Hudson and Vicksburg, the heroes of Donelson, Chattanooga, and Atlanta, had been brought within a day's march of the bronzed veterans whose battle-flags were emblazoned with the victories of Antietam and Gettysburg and with the crowning triumph at Appomattox. It was the happy suggestion of Secretary Stanton which assembled all these forces in the National Capital to be reviewed by the Commander-in-Chief. Through four years of stern and perilous duty, there had been no holiday, no parade of ceremony, no evolution for mere display, either by the troops of the East or of the West. Their time had been passed in camp and in siege, in march

and in battle, with no effort relaxed, no vigor abated, no vigilance suspended, during all the long period when the fate of the Union was at stake. It was now fitting that the President, attended by the chief officers of the Government, should welcome them and honor them in the name of the Republic. They had brought from the field the priceless trophy of American Nationality as the reward of their valorous struggle. By the voice of the people a "triumph" as demonstrative, if not as formal, as that given to a conqueror in Ancient Rome was now decreed to them. They had earned the right to be applauded on the *via sacra*, and to receive the laurel-wreath from the steps of the Capitol.

The first day's review, Wednesday, May 23, was given to the Army of the Potomac, of which General Meade had remained the commander since the victory at Gettysburg, but whose operations during the closing year of the struggle had been under the personal direction of General Grant. A part only of its vast forces marched through Washington on that day of loyal pride and gladness; but the number was large beyond the power of the eye to apprehend, beyond any but the skilled mind to reckon. An approximate conception of it can be reached by stating that one hundred and fifty-one regiments of infantry, thirty-six regiments of cavalry, and twenty-two batteries of artillery passed under the eye of the President, who reviewed the whole from a platform in front of the Executive Mansion.

On the ensuing day the Army of the Tennessee and the Army of Georgia, constituting the right and left wing of General Sherman's forces, were reviewed. There was naturally some rivalry of a friendly type between the Eastern and Western soldiers, and special observation was made of their respective qualities and characteristics. The geographical distinction was not altogether accurate, for Western troops had always formed a valuable part of the Army of the Potomac; while troops from the East were incorporated in Sherman's army, and had shared the glories of the Atlanta campaign and of the March to the sea. It was true, however, that the great mass of the Army of the Potomac came from the eastern side of the Alleghanies, while the great mass of Sherman's command came from the western side. The aggregate number reviewed on the second day did not differ materially from the number on the first day. There were some twenty more regiments of infantry on the second day, but fewer cavalry regiments and fewer batteries of artillery.

The special interest which attached to the review, aside from the inestimable significance of a restored Union, consisted in the fact that the spectators, who were reckoned by tens of thousands, saw before them an actual, living, fighting army. They were not holiday troops with bright uniforms, trained only for display and carrying guns that were never discharged against a foe. They were a great body of veterans who had not slept under a roof for years, who had marched over countries more extended than those traversed by the Legions of Cæsar, who had come from a hundred battle-fields on which they had left dead comrades more numerous than the living who now celebrated the final victory of peace. It was the remembrance of this which in all the glad rejoicing over the past and all the bright anticipation of the future lent a tinge of sadness to the splendid and inspiring spectacle of the day. The applause so heartily given for the soldiers who were present could not be unaccompanied by tears for the fate of that vast host which had gone down to death without even the consolation of knowing that they had not died in vain.

In the four years of their service the armies of the Union, counting every form of conflict, great and small, had been in twenty-two hundred and sixty-five engagements with the Confederate troops. From the time when active hostilities began until the last gun of the war was fired, a fight of some kind — a raid, a skirmish, or a pitched battle — occurred at some point on our widely extended front nearly eleven times per week upon an average. Counting only those engagements in which the Union loss in killed, wounded, and missing exceeded one hundred, the total number was three hundred and thirty, — averaging one every four and a half days. From the northernmost point of contact to the southernmost, the distance by any practicable line of communication was more than two thousand miles. From East to West the extremes were fifteen hundred miles apart.

During the first year of hostilities — one of preparation on both sides — the battles were naturally fewer in number and less decisive in character than afterwards, when discipline had been imparted to the troops by drill, and when the *materiel* of war had been collected and stored for prolonged campaigns. The engagements of all kinds in 1861 were thirty-five in number, of which the most serious was the Union defeat at Bull Run. In 1862 the war had greatly increased in magnitude and intensity, as is shown by the eighty-four

engagements between the armies. The net result of the year's operations was highly favorable to the Rebellion. In 1863 the battles were one hundred and ten in number — among them some of the most significant and important victories for the Union. In 1864 there were seventy-three engagements, and in the winter and early spring of 1865 there were twenty-eight.

In fact, 1864–65 was one continuous campaign. The armies of the Union did not go into winter-quarters to the extent of abandoning or suspending operations. They felt that it was in their power to bring the struggle to an end at once, and they pressed forward with prodigious vigor and with complete success. General Grant with his characteristic energy insisted that "active and continuous operations of all the troops that could be brought into the field regardless of season and weather were necessary to a speedy termination of the war." He had seen, as he expressed it in his own terse, quaint language, that "the armies of the East and the West had been acting independently and without concert, like a balky team, no two of them ever pulling together." Under his direction the forces of the Union, however distant from each other, were brought into harmonious co-operation and with the happiest results. The discipline of the Union army was never so fine, its vigor was never so great, its spirit was never so high, as at the close of that terrible campaign which under Grant's command in the East began at the Wilderness and ended with Lee's surrender, and which under Sherman's command in the West began with the march towards Atlanta, and closed with the complete conquest of Georgia and the Carolinas.

A grave moral responsibility rests upon those who continue a contest of arms after it is made clear that there is no longer a possibility of success. However far the laws of war may justify a belligerent in deceiving an enemy, the laws of honorable and humane dealing are violated with one's own partisans when a brave and confiding soldiery are led into a fight known by their commanders to be hopeless. Early in January, 1865, Jefferson Davis indicated the desire of the Confederate authorities to negotiate with the National Government for the arrangement of the terms of peace, and as a result the famous conference was held at Fortress Monroe. This step was taken by Mr. Davis because he saw that further effort on the part

of the Confederates must be utterly futile. When he failed at the conference to secure any recognition of his government, he spitefully turned to the prolongation of the struggle. Every life destroyed in the conflict thereafter was needless slaughter, and the blood of the victims cries out against the Confederate Government for compelling the sacrifice.

When at last through sheer exhaustion the Confederate Armies ceased resistance and surrendered, they did so on precisely the same terms that had been offered by the Government of the Union three months before. In the *interim* the Confederate leaders had been deluding their people with the pretense that the "Lincoln Government" had outraged the South in refusing to recognize Confederate Nationality even long enough to treat with it for peace. "Nothing beyond this," exclaimed Mr. Robert M. T. Hunter in a speech delivered at a meeting in Richmond held immediately after the Peace Conference to which he had been one of the commissioners, — "Nothing beyond this is needed to stir the blood of Southern men." In the course of his inflammatory address Mr. Hunter made this *naïve* confession: "If our people exhibit the proper spirit they will bring forth the deserters from their caves; and the skulkers, who are avoiding the perils of the field, will go forth to share the dangers of their countrymen." The "skulkers" and "deserters" referred to were no doubt brave men who, having fought as long as there was hope, were not ambitious to sacrifice their lives to carry out the shameless bravado of the political leaders of the Rebellion.

Mr. Hunter spoke with singular intemperance of tone for one who was usually cool, guarded, and conservative. He was followed by the *Mephistopheles* of the Rebellion, the brilliant, learned, sinister Secretary of State, Judah P. Benjamin. He spoke as one who felt that he had the *alias* of an English subject for shelter, or possibly the Spanish flag for protection, when the worst should come, and that he might continue to play the part of Confederate citizen so long as it favored his ambition and his fortune. He delivered a speech full of desperate suggestion — so desperate indeed that it re-acted and injured the cause for which he was demanding harsh sacrifices on the part of others. He urged upon his hearers that the States of the Confederacy had nearly seven hundred thousand male slaves of the age for military service. He gave the assurance that if freedom should be conceded to these men they would fight in aid of the Rebellion. Besides advocating a guaranty of emancipation to all these black

men, — for the right to keep whom in slavery the war had been undertaken, — Mr. Benjamin urged that every bale of cotton, every hogshead of tobacco, every pound of bacon, every barrel of flour, should be seized for the benefit of the common cause.

Happily Mr. Benjamin went too far. His over-zeal had tempted him to prove too much. The Southern people who had desired to build up a slave empire, and who despised the negro as a freeman, were asked by Mr. Benjamin to surrender this cherished project, and join with him in the ignoble design of founding a confederacy whose corner-stone should rest on hatred of the Northern States, and whose one achievement should be the revival and extension of English commercial power on this continent. When the end came, Mr. Benjamin did not share the disasters and sacrifices with the sincere and earnest men whom he had done so much to mislead, and to whom he was bound in an especial manner by the tie which unites the victims of a common calamity. Instead of this magnanimous course which would in part have redeemed his wrong-doing, Mr. Benjamin took quick refuge under the flag to whose allegiance he was born. He left America with the full consciousness that to the measure of his ability, which was great, he had inflicted injury upon the country which had sheltered and educated him, and which had opened to him the opportunity for that large personal influence which he had used so discreditably to himself and so disastrously to the cause he espoused.

Mr. Benjamin became a resident of London and subsequently won distinction at the English Bar — rising to the eminence of Queen's counsel. His ability and learning were everywhere recognized, but it was at the same time admitted that he owed much of his success to the sympathy and the support of that preponderating class among British merchants who cordially wished and worked for our destruction, — who, covertly throughout the entire civil conflict, and openly where safe opportunity was presented, did all in their power to embarrass and injure the Union. If Mr. Benjamin had been loyal, and had honorably observed the special oath which he had taken to maintain and defend the Constitution, he might in vain have sought the patronage of that large number of Englishmen who enriched him with generous retainers. No one grudged to Mr. Benjamin the wages of his professional work, the reward of ability and industry; but the manner in which he was lauded into notoriety in London, the effort constantly made to lionize and to

aggrandize him, were conspicuous demonstrations of hatred to our Government, and were significant expressions of regret that Mr. Benjamin's treason had not been successful. Those whom he served either in the Confederacy or in England in his efforts to destroy the American Union may eulogize him according to his work; but every citizen of the Great Republic, whose loyalty was unswerving, will regard Mr. Benjamin as a foe in whom malignity was unrelieved by a single trace of magnanimity.

The Confederates had failed in war, but their leaders had not the moral courage to accept the only practicable peace. Their subsequent course in Congress, in the Cabinet, and in the field, exposed in very striking outline the strong points and the weak points of Southern character. It exhibited Southern men as possessed of the utmost physical courage — often carried indeed to foolish audacity. It exhibited them at the same time as singularly deficient in the attribute of moral courage. When the Southern leaders knew the Confederate cause to be hopeless not a single man among them displayed sufficient heroism to brave public opinion with the declaration of his honest belief. The absolute suppression of free discussion which had long prevailed in the South, the frequent murder of those who attempted to express an unpopular opinion however honestly entertained, had deprived brave men of every trait of that higher form of courage which has given immortality of fame to the moral heroes of the world.

Not individually alone but in combined action this weak trait in Southern character was made manifest. Only a month before the time when the Confederacy was in ruins and the members of its Congress were fugitives from its Capital, they united in an inflammatory address to the people of the South, urging them to continue the contest. They made assertions and employed arguments which as men of intelligence they could not themselves believe and accept. They strove by exciting evil passions and blind animosities to hurl the soldiers of the Confederacy once more into a desperate fight with all its suffering and with certain defeat. In this address, which was the unanimous voice of the Confederate Senate and the Confederate House of Representatives, the people were told that if they failed in the war, "the Southern States would be held as conquered provinces by the despotic government at Washington;" that they "would be kept in subjugation by the stern hand of military power as Venetia and Lombardy have been held by Austria, as Poland is held by the

Russian Czar." A still more terrible fate was foretold. "Not only," continued the address, "would we be deprived of every political franchise dear to freemen, but socially we would be degraded to the level of slaves. . . . Not only would the property and estates of vanquished rebels be confiscated, but they would be divided and distributed among our African bondsmen."

Even the extravagance and absurdity of the foregoing declarations were outdone in other parts of the address. These senators and representatives — not ignorant men themselves — presumed so far upon the ignorance of their constituents as to assure them that "our enemies with a boastful insolence unparalleled in the history of modern civilization have threatened not only our subjugation, but some of them have announced their determination if successful in this struggle to deport our entire white population, and supplant it with a new population drawn from their own territory and from European countries. . . . Think of it! That we the descendants of a brave ancestry who wrested from a powerful nation by force of arms the country which we inhabit — bequeathed to us by them, and upon which we have been born and reared; that we should be uprooted from it and an alien population planted in our stead is a thought that should inspire us with undying hostility to an enemy base enough to have conceived it."

The white population of the eleven Confederate States was at that time between five and six millions. Of course no man who signed the address believed its statements. No one believed that the Government of the United States or the loyal people of the North were so inhuman and so unpatriotic as to advocate the deportation of this vast population, or so foolish as to think that such a task would be practicable even if it were desirable. The address was read in the North immediately after it was issued, and created a mingled feeling of astonishment, amusement, and sorrow. The severest comment made upon it was the remark of a Republican representative in Congress who had a most kindly feeling for the men of the South — that "the deportation for life of the men who signed and issued the libel would not only be a just punishment for the offense, but would be an undoubted advantage to both North and South." The close of the address was in harmony with its opening, and contained an argument which to some minds relieved the whole document from wickedness by making it ludicrous. Its last words insisted that "failure makes us vassals of an arrogant

people — secretly if not openly hated by the most enlightened and elevated portions of mankind. Success records us forever in letters of light upon one of the most glorious pages of history. *Failure will compel us to drink the cup of humiliation even to the bitter dregs of having the history of our struggle written by New-England historians.*"

The same lack of moral courage to face the inevitable and deal frankly with friends and supporters was still more palpably shown by Jefferson Davis when he sent a message to the Confederate Congress on March 13, three weeks before the fall of Richmond, in a tone similar to that of the famous address. Even after he was a fugitive, and the Capital of the Confederacy was in the possession of the Union Army, Mr. Davis halted long enough at Danville, to issue a proclamation in which he said, "We have now entered upon a new phase of the struggle. Relieved from the necessity of guarding particular points, our army will be free to move from point to point to strike the enemy in detail far from his base. Let us but will it, and we are free. . . . Let us not despond, my countrymen, but, relying on God, meet the foe with fresh defiance, with unconquered and unconquerable hearts." It is clearly established that Mr. Davis was fully aware of the state of affairs when he issued this misleading and inexcusable proclamation. Four days after its publication the army upon which he relied even for personal protection surrendered to General Grant, and Mr. Davis again sought safety in flight.

These extravagant misrepresentations do infinite damage to the Confederate cause and to the Confederate leaders in history. They reveal in strong light the method by which those leaders were willing to impose and actually did impose upon the almost unlimited credulity of the white population of their States. Prejudice on the question of slavery could be easily stimulated, and no effort was spared to poison the minds of the Southern people against the National Government and against the Northern people. But the exaggerations at the close of the struggle were no greater than those which had been employed at its commencement. From beginning to end the Rebellion was based upon the suppression of that which was true and the suggestion of that which was untrue. To mete out the proper share of responsibility to the leaders who organized the insurrection would be a task at once ungracious and impossible. The aggressive character of the movement was not concealed, and the motives underlying it were understood. That which was not understood, and which still remains to be accounted for, was the

conduct of the thousands of Southern Unionists who did not express their opinions and maintain their faith with the firmness and effectiveness which had been widely hoped for and expected in the North. From the timidity of the friends of the Union and the boldness of the advocates of Secession, it is not difficult to understand how the large class of poor whites in the South could be urged into a contest in which every blow struck by them was in support of a system to whose baleful influence they owed their own ignorance, their social degradation, their pitiable poverty.

The wonder excited by the raising of the vast army which saved the Union from destruction was even surpassed by the wonder excited by its prompt and peaceful dissolution. On the day that the task of disbandment was undertaken, the Army of the United States bore upon its rolls the names of one million five hundred and sixteen men (1,000,516). The killed, and those who had previously retired on account of wounds and sickness and from the expiration of shorter terms of service, aggregated, after making due allowance for re-enlistments of the same persons, at least another million. The living among these had retired gradually during the war, and had resumed their old avocations, or, in the great demand for workmen created by the war itself, had found new employment. But with the close of hostilities many industries which had been created by the demands of war ceased, and thousands of men were thrown out of employment. The disbandment of the Volunteer Army would undoubtedly add hundreds of thousands to this number, and thus still further overstock and embarrass the labor-market. The prospect was not encouraging, and many judicious men feared the result.

Happily all anticipations of evil proved groundless. By an instinct of self-support and self-adjustment, that great body of men who left the military service during the latter half of the year 1865 and early in the year 1866 re-entered civil life with apparent contentment and even with certain advantages. Their experience as soldiers, so far from unfitting them for the duties and callings of an era of Peace, seem rather to have proved an admirable school, and to have given them habits of promptness and punctuality, order and neatness, which added largely to their efficiency in whatever field they were called to labor. After the Continental Army was dis-

solved, its members were found to be models of industry and intelligence in all the walks of life. The successful mechanics, the thrifty tradesmen, the well-to-do farmers in the old thirteen States were found, in great proportion, to have held a commission or carried a musket in the Army of the Revolution. They were, moreover, the strong pioneers who settled the first tier of States to the westward, and laid the solid foundation which assured progress and prosperity to their descendants. Their success as civil magistrates, as legislators, as executives was not less marked and meritorious than their illustrious service in war. The same cause brought the same result a century later in men of the same blood fighting with equal valor the same battle of Constitutional liberty. The inspiration of a great cause does not fail to ennoble the humblest of those who do battle in its defense. Those who stood in the ranks of the Union Army have established this truth by the twenty years of honorable life through which they have passed since their patriotic service was crowned with victory.

The officers who led the Union Army throughout all the stages of the civil conflict were in the main young men. This feature has been a distinguishing mark in nearly all the wars in which the American people have taken part, and with a few notable exceptions has been the rule in the leading military struggles of the world. Alexander the Great died in his thirty-second year. Cæsar entered upon the conquest of Gaul at forty. Frederick the Great was the leading commander of Europe at thirty-three. Napoleon and Wellington, born the same year, fought their last battle at forty-six years of age. On the exceptional side Marlborough's greatest victories were won when he was nearly sixty (though he had been brilliantly distinguished at twenty-two), and in our own day the most skillful campaign in Europe was under the direction of Von Moltke when he was in the seventieth year of his age.

Washington took command of the Continental Army at forty three. Lafayette was a major-general at twenty. Nathaniel Greene was a general officer in the military establishment of the Revolution at thirty-three, and entered upon his memorable campaign in the South at thirty-eight. Winfield Scott was but twenty-eight when he commanded at Chippewa and Lundy's Lane. Macomb was thirty-two when he gained the famous victory over Sir George Prevost at Plattsburg. Jackson was forty-seven when he won the decisive battle over Pakenham at New Orleans. On the other hand,

Taylor was sixty-three when he conquered at Buena Vista, and Scott was sixty-one when he made his celebrated march from Vera Cruz to the Capital. Scott enjoys the rare distinction of having held high and successful command in two wars which were a full generation of men apart. In 1847 he commanded in Mexico the sons of those officers who aided in his brilliantly successful campaign against the British on the borders of Canada in 1814.

At the opening of the war of the Rebellion General Scott again assumed command, but his seventy-five years pressed heavily upon him, and he soon gave way to younger men who came rapidly forward with patriotic ardor and with worthy ambition. Nearly all the graduates of the United-States Military Academy who achieved distinction were in what might be termed their middle youth; a few were in their twenties; none were old. General Grant won his campaign of the Tennessee, and fought the battles of Henry, Donelson, and Shiloh when he was thirty-eight years of age. Sherman entered upon his onerous work in the South-West when he was forty-one, and accomplished the march to the sea when he was forty-four. Thomas began his splendid career in Kentucky when he was forty-three, and fought the critical and victorious battle of Nashville when he was forty-six. Sheridan was but thirty-three when he confirmed a reputation, already enviable, by his great campaign of 1864 in the Shenandoah Valley. Meade won the decisive battle of Gettysburg when he was forty-seven. McClellan was but thirty-five when he succeeded General Scott in command of the army. McDowell was forty-five when he fought the first battle of magnitude in the war. Buell was forty-two when he joined his forces with Grant's army on the second day's fight at Shiloh. Pope was scarcely over forty when he attained the highest credit for his success in the South-West. Hancock was forty-one when he approved himself one of the most brilliant commanders in the army by his superb bearing on the field of Spottsylvania. Hooker was forty-six when he assumed command of the Army of the Potomac.

General Schofield was thirty-four when he commanded with signal ability and success in the battle of Franklin. John Reynolds was forty-three when he fell at the head of his corps in the first day's fight at Gettysburg. Rosecrans was forty-two when he gained the important victory at Stone River. Burnside was thirty-seven when he made the admirable record of his North-Carolina campaign. Howard was thirty-two when he was assigned to the command of a

corps, and only a year older when he succeeded McPherson in the command of the army of the Tennessee. McPherson was thirty-five when he gave up his heroic life on the bloody field before Atlanta. Slocum was an able corps-commander at thirty-two. William F. Smith was thirty-eight when he handled his division with consummate skill at White-Oak Swamp. Joseph J. Reynolds was a major-general before he was forty. Parke was at the head of a corps when he was thirty-five. Hazen was thirty-four when he led in the important capture of Fort McAllister. McKenzie, Custer, Kilpatrick, and Ames had each won his star before he had passed his twenty-sixth year. The only West-Point man who became conspicuous in the command of troops after he was fifty years of age was David Hunter. He entered upon his sixtieth year on the day of the unfortunate battle of Bull Run, and engaged thenceforth in severe and meritorious field-service. Montgomery C. Meigs, one of the ablest graduates of the Military Academy, was kept from the command of troops by the inestimably important services he performed as quartermaster-general, in which office he succeeded Joseph E. Johnston when the latter cast his fortunes with the Confederacy. Perhaps in the military history of the world there was never so large an amount of money disbursed upon the order of a single man as by the order of General Meigs. The aggregate sum could not have been less during the war than fifteen hundred millions of dollars, accurately vouched and accounted for to the last cent. General Meigs is still living, vigorous in mind and body, active in good works, and enjoying the unstinted confidence and admiration of his countrymen.

Among the officers who volunteered from civil life the success of young men as commanders was not less marked than among the graduates of West Point. General Logan, to whom is conceded by common consent the leading reputation among volunteer officers, and who rose to the command of an army, went to the field at thirty-five. General Butler was forty-two when he was placed at the head of the Army of the Gulf, and began his striking career in Louisiana. General Banks was forty-four when with the rank of major-general he took command of the Department of Maryland. Alfred Terry, since distinguished in the regular service, achieved high rank as a volunteer at thirty-five. Garfield was a major-general at thirty-one with brilliant promise as a soldier when he left the field to enter Congress. Frank Blair at forty-one was a successful commander of a division in the arduous campaign which ended with the fall of Vicksburg.

Jacob D. Cox had achieved his reputation in the field at thirty-four. Sickles was forty-one when, desperately wounded, he was borne from the head of his corps at Gettysburg. Cadwallader Washburn in his forty-third year was in command of an important district in the South-West. Rawlins was high in General Grant's confidence and favor at thirty when he filled the important post of chief of staff. James B. Steedman was forty-four when he received Mr. Lincoln's special encomium for bravery. Franz Sigel was in command of a corps before he was thirty-five. Crawford was thirty-three when his division did its noble work at Gettysburg. Chamberlain was thirty-four when he associated his name indelibly with the defense of Little Round-Top. Corse was but twenty-nine when he held the pass at Altoona. Beaver was still younger when he received his terrible wound and his promotion. Grenville Dodge had risen to the rank of a major-general and approved his merit in the Atlanta campaign before he was thirty-three. Hawley did splendid service in the field at thirty-five, and rose rapidly to the rank of brigadier-general. Gresham had made his brave record at thirty-two, and bears wounds to attest his service. The McCooks were all young, all gallant, all successful. Negley was a major-general before he was forty. John Beatty was a brigadier-general at thirty-two. Robert Potter commanded a corps before he was thirty-seven. Joseph B. Carr achieved an honorable reputation in his early thirties. Hartranft was highly distinguished before he was thirty-seven. Nelson A. Miles left his counting-room at twenty-one, enlisted as a private, and in two years was a brigadier-general. Selden Connor was rewarded with the same rank for his conduct at the battle of the Wilderness before he was twenty-seven. Nicholas L. Anderson was under thirty when he received his brevet of major-general for a military career worthy in all respects of his eminent kinsman who fired the first gun in defense of the Union. The only general of volunteers beyond fifty years of age who acquired special distinction was James S. Wadsworth who in his fifty-seventh year fell in one of the most sanguinary battles of the war.

The list, both of regulars and volunteers, who achieved high command while still young, might be largely increased. The names given are selected from a roll of honor that has never been surpassed for gallantry of spirit and intrepidity of action in the military service of any country, — a roll too long to have full justice done to all the names borne upon it. Indeed, one of the obstacles to wide-

spread popular fame for many, was in the great number of generals who fairly earned the laurels due to exalted heroism. In a military establishment so vast that the major-generals number one hundred and fifty, and the generals of brigade nearly or quite six hundred, with battles, engagements, and skirmishes in full proportion to the force which such a number of commanders implies, it is difficult to give even the names of all who are worthy of lasting renown. Battles such as established Scott's fame in the Niagara campaign, or Jackson's at New Orleans, or Taylor's at Buena Vista, were in magnitude repeated a hundred times during the civil conflict under commanders whose names are absolutely forgotten by the public. A single corps of Grant's army at the Wilderness, or of Sherman's at Atlanta, or of Meade's at Gettysburg, or of McClellan's on the Peninsula, or of Hooker's at Chancellorsville, contained a larger number of troops than Washington or Scott ever commanded on the field, a larger number than Taylor or Jackson ever saw mustered. A more correct conception of the real magnitude of the Union Army can be reached by measuring the proportions of the several branches of the service, than by simply stating the aggregate number of men. There were in all some seventeen hundred regiments of infantry, over two hundred and seventy regiments of cavalry, and more than nine hundred batteries of artillery. These numbers are without parallel in the military history of the world.

There was a very strong and patriotic disposition to engage in the war, on the part of the sons of the Northern statesmen who had been prominent during the generation preceding the outbreak of hostilities. It was no doubt felt by the juniors to be a chivalric duty to defend on the field what had been advanced by the seniors in Congress and in Cabinet. A very notable instance was that of the brothers Ewing, — Hugh, Thomas, and Charles, sons of the eminent Thomas Ewing of Ohio, — each of whom attained through gradual promotion, fairly earned by meritorious service in the field, the rank of brigadier-general. They were all young, the eldest not being over thirty-five when he received his commission, the youngest under thirty. Senator Fessenden of Maine had two sons who rose to the rank of brigadier-general; a third with the rank of captain, was killed in the second battle of Bull Run. Vice-President Hamlin had one son who attained the rank of brigadier-general; another who served as colonel. William H. Seward, jun., also reached the rank of brigadier-general. William H. Harris, son of Mr. Seward's suc-

cessor in the Senate, honorably distinguished himself in the service. Benjamin Harrison of Indiana commanded a brigade before he was thirty, and made a military record which did honor to the illustrious name which he inherits. Fletcher Webster lost his life while bravely commanding a Massachusetts regiment in a war which his illustrious father's exposition of the Constitution had nerved the arm of the Government to maintain. Similar instances in the Union Army might be cited in great number. The same disposition was manifested on the Confederate side, and it may be said with truth that almost every name which grew into prominence in the long political contention between the North and the South was represented in the conflict of arms to which it led.

That men without previous military education should prove to be intelligent, brave, efficient, and skillful officers, was a constant surprise to the foreign critics of our campaigns. The commanders of batteries, of regiments, of brigades, not to speak of battalions and companies, were almost wholly from the volunteer service. Many of the volunteers, as already indicated, rose to the command of divisions, a few to the command of corps, and in some marked instances to the command of separate armies and to the military direction of vast districts. At the same time the value of strict military training was shown by the superior prominence attained in proportion to their numbers by the officers who had been educated at the West Point Military Academy. The wisdom of maintaining that institution was abundantly vindicated by the results of the war. Its graduates worked in harmony with the volunteers, and, as matter of fact, the field offices they held during the war were, with few exceptions, under the law for the organization of the volunteer forces. They imparted to the entire army the discipline, the organization, and the efficiency of a regular military establishment. There was naturally at the beginning of the war a certain jealousy between the regulars and the volunteers, but none that did not yield to the patriotism and good sense of both. The two services were rapidly and most happily combined, and demonstrated by their joint prowess the strength of the country for defense, and, if need be, for offense. Without maintaining a large military establishment, which besides its expense entails multiform evils, it was shown that the Republic possesses in the strong arms and patriotic hearts of its sons an unfailing source of military power.

CHAPTER III.

The Reconstruction Problem. — The President's Public Addresses. — Time for Action arrived. — Proclamation declaring Hostilities ceased. — Manner of dealing with Insurrectionary States. — Mr. Lincoln's First Efforts at Reconstruction. — Election in Louisiana. — Flanders and Hahn. — Mr. Lincoln's Note to General Shepley. — To Cuthbert Bullett. — Mr. Lincoln's Definite Plan. — "One-Tenth" of Voters to organize Loyal State Government. — Free-State Convention in Louisiana. — Michael Hahn elected Governor. — Constitutional Convention. — Mr. Lincoln's Congratulations. — Similar Action in Arkansas. — Isaac Murphy elected Governor. — Representation in Congress denied to these States. — Mr. Sumner's Resolution. — Adopted by Senate. — Similar Action in House. — Conflict between the President and Congress. — Congressional Plan of Reconstruction. — Three Fundamental Conditions. — Bill passed July 4, 1864. — Not approved by the President. — His Reasons given in a Public Proclamation. — Senator Wade and H. Winter Davis criticise the Proclamation. — Their Protest. — Subsequent Resolution of Congress. — The President's Reply to it. — Mr. Lincoln's Probable Course on the Subject of Reconstruction. — Reconstruction of the Government of Tennessee. — The Quick Process of doing. — Ratified by Popular Vote, 25,293 to 48. — Parson Brownlow chosen Governor. — Patterson and Fowler elected Senators. — Johnson's Inauguration as Vice-President. — His Speech. — Were the Rebel States out of the Union? — Johnson's Views. — Mr. Lincoln's Views. — Radical and Conservative. — Extra Session debated. — Adverse Decision. — Ill-Luck of Extra Sessions.

MR. JOHNSON continued his public receptions, his interviews, and his speeches for nearly a month after his accession to the Presidency — until indeed, in the judgment of his most anxious and most cautious friends, he had talked too much. All were agreed that the time had now come when he must do something. He had evidently sought to impress the country with the belief that his Administration was to be marked by a policy of extraordinary vigor, that the standard of loyalty was to be held high, that the leaders of the Rebellion were to be dealt with in a spirit of stern justice. His position gave satisfaction to those who thought the chief conspirators against the Union could not be punished too severely; but it led to uneasiness among the anti-slavery philanthropists, lest, in wreaking vengeance upon white traitors, the President

might leave the loyal negroes unprotected in their newly acquired civil rights.

On the 10th of May the President issued a proclamation declaring substantially that actual hostilities had ceased, and that "armed resistance to the authority of the Government in the insurrectionary States may be regarded at an end." This great fact being officially recognized, the President found himself face to face with the momentous duty of bringing the eleven States of the Confederacy into active and harmonious relations with the Government of the Union. He had reached the point where he must take the first step in the serious task of Reconstruction, and the country awaited it with profound interest. He had in other official stations given distinct intimations of the conditions which he considered essential to the restoration of a rebel State to its place in the Union, but in the numerous speeches he had delivered since his accession to the Presidency he had studiously avoided a repetition of his former position, and had with equal care refrained from a public committal to any specific line of action.

The manner in which the insurrectionary States should be dealt with at the close of hostilities had been the object of solicitous inquiry throughout the war. It was indeed often a question of angry disputation in Congress, in the press, and among the people. The tentative and somewhat speculative efforts in this field, which had been made or at least encouraged by Mr. Lincoln, had confused rather than solved the problem, and yet his action could not fail to exert an embarrassing and possibly a decisive influence upon the course of his successor. Difficult as it might have proved to Mr. Lincoln himself to go forward on the line he had marked out, it would obviously prove far more difficult to Mr. Johnson to maintain the same policy with the inevitable result of renewing the conflict with Congress which Mr. Lincoln had only allayed and postponed — not removed. A brief review of what Mr. Lincoln had done in the field of Reconstruction will give a more accurate knowledge of President Johnson's policy, which afterwards became the subject of prolonged and bitter controversy. Mr. Lincoln had naturally been anxious from the beginning of the war to re-establish civil government in any and every one of the Confederate States where actual resistance should cease. A military autocracy controlling people who were engaged in the ordinary avocations of life was altogether contrary to his views of expediency, altogether repugnant to his conceptions of right.

At the end of the first year of the war (April, 1862) the rebel fortifications on the Lower Mississippi and the city of New Orleans surrendered to the guns of Farragut, and not long afterwards a movement was made to re-establish in Louisiana a civil government that would be loyal to the Union. The first step was the election on the third of December, 1862, of Benjamin F. Flanders and Michael Hahn, old citizens of Louisiana, as Representatives in Congress.

On the 9th of February, 1863, when the Thirty-seventh Congress was drawing to its close, Messrs. Flanders and Hahn were admitted to their seats, though not without contention and misgiving. They had been chosen at an election ordered by the military governor of Louisiana (General George F. Shepley), and their credentials bore the signature of that official. General Shepley had undoubtedly been permitted, if not specifically authorized, by the National Administration to take this step; though it was afterwards perceived by all friends of the Union to be useless if not mischievous, and its repetition for the ensuing Congress was seriously opposed. On the 21st of November — only a fortnight before the election ordered by General Shepley — Mr. Lincoln addressed him a note which in effect was a warning that Federal officers, not citizens of Louisiana, must not be chosen to represent the State in Congress. "We do not," said the President, referring to the South, "particularly need members of Congress from those States to enable us to get along with legislation here. What we do want is the conclusive evidence that respectable citizens of Louisiana are willing to be members of Congress and to swear support to the Constitution, and that other respectable citizens are willing to vote for them and send them. To send a parcel of Northern men here as representatives, elected as would be understood (and perhaps really so) at the point of the bayonet, would be disgraceful and outrageous."

Previous to this instruction to Governor Shepley, Mr. Lincoln had been in correspondence with Cuthbert Bullett, Esq., a Southern gentleman, who enjoyed his personal regard and confidence. In a letter to Mr. Bullett of July 28, 1862, the President reviewed some of the impracticable methods of re-establishing civil authority desired by certain citizens of Louisiana who were very anxious to prevent any interference with property in slaves. Mr. Thomas J. Durant was the spokesman for this large class of men who professed anxiety for the fate of the Union but were unwilling to do any thing to aid in saving it. Mr. Lincoln's letter is very characteristic. He

says, "Mr. Durant speaks of no duty, apparently thinks of none resting upon Southern Union men. He even thinks it injurious to the Union cause that they should be restrained in trade and passage without taking sides. They are to touch neither a sail nor a pump, live merely as passengers ('dead-heads' at that) to be carried snug and dry throughout the storm and safely landed right side up. Nay, more, even a mutineer is to go untouched, lest these sacred passengers receive an accidental wound. Of course the Rebellion will never be suppressed in Louisiana if the professed Union men there will neither help to do it nor permit the Government to do it without their help. . . . What would *you* do in my position? Would you drop the war where it is, or would you prosecute it in the future with elder-stalk squirts charged with rose-water? Would you deal lighter blows rather than heavier ones? Would you give up the contest leaving every available means unapplied? I am in no boastful mood: I shall not do more than I can, but I *shall* do *all* I can to save the Government, which is my sworn duty as well as my personal inclination. I shall do nothing in malice. What I deal with is too vast for malicious dealing."

The pressure of these political events in Louisiana had increased Mr. Lincoln's desire to attempt some form of reconstruction, and the admission of Messrs. Flanders and Hahn to seats in the House of Representatives had to a certain degree misled him as to the temper and tendency of Congress on the whole subject of re-establishing civil government in the insurrectionary States. During the year 1862, when the original movements were made in Louisiana, the military situation grew so critical and so discouraging that the Administration had no time for the consideration of any other subject than the raising of men and money. But in 1863 the Government was incalculably strengthened by General Meade's victory at Gettysburg and by the opening of the Mississippi River to navigation in consequence of General Grant's capture of the rebel stronghold at Vicksburg. The latter event practically destroyed the military power of the Rebellion on the western side of the Mississippi, and opened, as Mr. Lincoln hoped, a great opportunity for the formation of State governments loyal to the Union and able to aid effectively in the overthrow of the Rebellion.

To this end the President proposed a definite plan of reconstruction in his message of December 8, 1863, sent to the Thirty-eighth Congress at its first session. He accompanied the message with a public

proclamation which more fully embodied his conception of the necessities of the situation and the duties of the loyal people. According to the message of the President "the constitutional obligation to guarantee to every State in the Union a Republican form of government and to protect the State in such cases is explicit and full. . . . This section of the Constitution contemplates a case wherein the elements within a State favorable to Republican government in the Union may be too feeble for an opposite and hostile element external to or even within the State, and such are precisely the cases with which we are now dealing. An attempt to guarantee and protect a revived State government constructed in whole or in preponderating part from the very element against whose hostility and violence it is to be protected is simply absurd. There must be a test by which to separate the opposing elements so as to build only from the sound, and that test is a sufficiently liberal one which accepts as sound whoever will make a sworn recantation of his former unsoundness."

In his proclamation the President made known that "to all persons who have directly or by implication participated in the existing rebellion except as herein after excepted, a full pardon is hereby granted with restoration of all rights of property except as to slaves, upon condition that every such person shall take and subscribe an oath, and thenceforward maintain said oath inviolate," to the following effect: viz., to "henceforth faithfully support and defend the Constitution and the Union of the States thereunder," and to abide by all laws and proclamations "made during the existing rebellion, having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court." Those excepted from the benefits of the pardon were first the civil and diplomatic officers of the Confederate Government; second, those who left judicial stations in the United-States Government to aid the rebellion; third, military officers of the Confederacy above the rank of colonel, and naval officers above the rank of lieutenant; fourth, all who left seats in the Congress of the United States to aid the rebellion; fifth, all who left the National Army or Navy to aid the rebellion; sixth, all who had treated colored persons found in the military or naval service of the United States otherwise than as prisoners of war.

The President was willing to intrust the task of establishing a State government to a population whose loyalty to the Union should be tested by taking the prescribed oath, *provided* that the population should be sufficiently numerous to cast a vote one-tenth as large as

that cast at the Presidential election of 1860. A government thus established, the President declared, "shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that the United States shall guarantee to each State a Republican form of government." At the same time the President was careful to affirm that "whether members sent to Congress from any State shall be admitted to seats constitutionally rests exclusively with the respective Houses, and not to any extent with the Executive."

The Union men in Louisiana had been so encouraged by the admission of Flanders and Hahn to seats in Congress, that they were active during the year 1863 in maturing schemes for re-establishing a loyal State government. But the decisive step was not taken until the opening of the ensuing year. On the 8th of January, 1864, a large Free-State Convention was held in New Orleans, which proved to be in harmony with the National Administration at all points, accepting the emancipation policy of the President as the basis of all their action. General Banks, then in command of the military district, at once issued a proclamation as requested by the convention, appointing an election for State officers on the 22d of February — the officers chosen, to be installed on the 4th of March. Michael Hahn was elected governor as the especial representative of the President's firm yet cautious and moderate policy. B. F. Flanders and C. Roselius were the opposing candidates, the former representing a more radical the latter a more conservative policy than the President was willing to adopt.

Mr. Hahn was duly installed in office on the 4th of March, and on the 15th the President issued an order declaring the new governor to be "invested until further orders with the powers exercised hitherto by the military governor of Louisiana." In a personal note to Governor Hahn at the same time the President said, "I congratulate you on having fixed your name in history as the first Free-State Governor of Louisiana. Now you are about to have a convention which among other things will probably define the elective franchise. I barely suggest for your private consideration whether some of the colored people may not be let in, as for instance the very intelligent and especially those who have fought gallantly in our ranks. They would probably help in some trying time in the future to keep the jewel of Liberty in the family of Freedom." The form of the closing expression, quite unusual in Mr. Lincoln's compact style, may

have been pleonastic, but his meaning was one of deep and almost prophetic significance. It was perhaps the earliest proposition from any authentic source to endow the negro with the right of suffrage, and was an indirect but most effective answer to those who subsequently attempted to use Mr. Lincoln's name in support of policies which his intimate friends instinctively knew would be abhorrent to his unerring sense of justice.

The scheme of reconstruction in Louisiana was completed by the assembling of a convention to form a constitution for the State. The convention was organized early in April, and its most important act was the prompt incorporation of an anti-slavery clause in the organic law. By a vote of seventy to sixteen the convention declared slavery to be forever abolished in the State. The constitution was adopted by the people on the fifth day of the ensuing September by a vote of 6,836 in its favor to 1,566 against it. As the total vote of Louisiana at the Presidential election of 1860 was 50,510, the new State government had obviously fulfilled the requirement of the President's proclamation in demonstrating that it was sustained by more than one-tenth of that number. The President's scheme had therefore so far succeeded that Louisiana was at least in form under a loyal government. It was, however, a government that could not sustain itself for a day if the military support of the Nation should be withdrawn, and therein lay the weakness of the President's plan.

The action of Louisiana was accompanied, indeed in some parts preceded, by a similar action in Arkansas. A loyal governor (Isaac Murphy) was elected, an anti-slavery constitution adopted, a government duly installed over the State, and senators and representatives in Congress were elected in due form. These successive steps were taken in the early spring of 1864. But when the senators, Messrs. Fishback and Baxter, presented themselves for admission to the body to which they were thus chosen, it was found that Congress was not in sympathy with what was derisively termed the "shorthand" method of reconstruction proposed in Mr. Lincoln's proclamation. Mr. Sumner, when the credentials were presented, offered a resolution declaring that "a State pretending to secede from the Union, and battling against the General Government to maintain that position, must be regarded as a rebel State subject to military occupation and without representation on this floor until it has been re-admitted by a vote of both Houses of Congress; and the Senate

will decline to entertain any such application from any such rebel State until after such a vote of both Houses."

Mr. Sumner's resolution embodied a radical and absolute dissent from the President's scheme of reconstruction. The Senate, however, was not quite ready for so emphatic a declaration, and the resolution was referred with the credentials to the Judiciary Committee. A few weeks later, on the 27th June (1864), the committee made a report covering substantially the ground of Mr. Sumner's resolution. By a vote of twenty-seven to six the Senate declared that "the rebellion is not so far suppressed in Arkansas as to entitle that State to representation in Congress, and therefore Messrs. Fishback and Baxter are not entitled to admission as senators." Similar action was taken in the House — the representatives not being allowed to take seats.

The conflict between the President and Congress on the subject of reconstruction was made still more apparent by the further action of each. After the Arkansas case had been disposed of, Congress passed a bill embodying its own views of the proper process of reconstruction. By this measure it was directed that the President should appoint a provisional governor for each of the States declared to be in rebellion; that said governor should, as soon as military resistance to the United States ceased, make an enrolment of the white male citizens, submitting to each an oath to support the Constitution. If a majority of the citizens should take and subscribe the oath, the governor was to order an election of delegates to a constitutional convention.

It was made the duty of the convention as its initial proceeding to declare on behalf of the people of the State their submission to the Constitution of the United States, and to incorporate in their own organic law three fundamental provisions: First, No one who has held any office under the Confederate Government except civil offices merely ministerial, or military office below the rank of colonel, shall vote for or be a member of the Legislature, or shall vote for or be elected governor. Second, Involuntary servitude shall be forever prohibited, and the freedom of all persons in the State guarantied. Third, No debt, State or Confederate, created in aid of the rebellion shall ever be paid. In the event of a constitution being framed with these provisions inserted, and then adopted by a majority of the popular vote as already enrolled, the governor shall certify that fact to the President, and thereupon the President, *after obtaining*

the assent of Congress, shall recognize the State government so established as a legitimate and constitutional government competent to elect senators and representatives in Congress and electors of President and Vice-President.

This bill was passed on the last day of the session, July 4, 1864. It was commonly regarded as a rebuke to the course of the President in proceeding with the grave and momentous task of reconstruction without waiting the action or invoking the counsel of Congress. Some of the more radical members of both Houses considered the action of the President as beyond his constitutional power, and they were very positive and peremptory in condemning it. But Mr. Lincoln, with his habitual caution and wise foresight, had specially avoided any form of guaranty, or even suggestion to the States whose reconstruction he was countenancing and aiding, that their senators and representatives would be admitted to seats in Congress. Admission to membership he took care to advise them was a discretion lodged solely in the respective Houses. What he had done was in his own judgment clearly within his power as Commander-in-Chief of the Armies of the Union, and was thus obviously and solely an Executive act.

Mr. Lincoln was not therefore in the humor to be rebuked by Congress. Though the least pretentious of men, he had an abounding self-respect and a full appreciation of the dignity and power of his office. He had given careful study to the duties, the responsibilities, and the limitations of the respective departments of the Government, and he was not willing that his judgment should be revised or his course censured, however indirectly, by a co-ordinate branch of the Government. He therefore declined to sign the bill. He did not veto it but let it quietly die. Four days after the session had closed, he issued a proclamation in which he treated the bill merely as the expression of an opinion by Congress as to the best plan of Reconstruction — "which plan," he remarked, "it is now thought fit to lay before the people for their consideration."

The President further stated in his proclamation that he had "already propounded one plan of restoration," and that he was "unprepared by a formal approval of this bill to be inflexibly committed to any single plan of restoration," and also "unprepared to declare that the Free-State constitutions and governments already adopted and installed in Louisiana and Arkansas shall be set aside and held for naught, thereby repelling and discouraging the loyal

citizens who have set up the same as to further effort;" and also "unprepared to declare a constitutional competency in Congress to abolish slavery in the States" — though "sincerely hoping at the same time that a constitutional amendment abolishing slavery in all the States might be adopted." While with these objections Mr. Lincoln could not approve the bill, he concluded his proclamation in these words: "Nevertheless I am fully satisfied with the plan of restoration contained in the bill as one very proper for the loyal people of any State choosing to adopt it, and I am and at all times shall be prepared to give executive aid and assistance to any such people so soon as the military resistance to the United States shall have been suppressed in any such State and the people thereof shall have sufficiently returned to their obedience to the Constitution and Laws of the United States — in which cases military governors will be appointed with directions to proceed according to the bill."

It must be frankly admitted that Mr. Lincoln's course was in some of its aspects extraordinary. It met with almost unanimous dissent on the part of Republican members of Congress, and violent opposition from the more radical members of both Houses. If Congress had been in session at the time, a very rancorous hostility would have been developed against the President. Fortunately the senators and representatives had returned to their States and districts before the proclamation was issued, and they found the people united and enthusiastic in Mr. Lincoln's support. No contest was raised, therefore, by the great majority of those who had sustained the bill which the President had refused to approve. The pending struggle for the Presidency demanded harmony, and by common consent agitation on the question was abandoned. Two of the ablest, most fearless, most resolute men then in public life — Senator Wade of Ohio, and Representative Henry Winter Davis of Maryland — were exceptions to the general rule of acquiescence. They were respectively the chairmen in Senate and House of the "Committees on the Rebellious States," and were primarily and especially responsible for the bill which the President criticised in his proclamation. They united over their own signatures in a public "Protest" against the action of Mr. Lincoln. The paper was prepared by Mr. Davis, which of itself was guaranty that it would be able, caustic, and unqualified. Mr. Wade was known to be a man of extraordinary courage, both physical and moral. To these qualities Mr. Davis added a highly cultivated mind and a style of writing which in

political controversy has rarely been surpassed — a style at once severe, effective, and popular.

The "Protest" embodied a sharp contrast between the President's plan of Reconstruction in his proclamation of December 8 (1863), and that contained in the bill presented by Congress for his approval. "The bill," said Messrs. Wade and Davis, "requires a majority of the voters to establish a State government, the proclamation is satisfied with one-tenth; the bill requires one oath, the proclamation another; the bill ascertains voters by registering, the proclamation by guess; the bill exacts adherence to existing territorial limits, the proclamation admits of others; the bill governs the rebel States *by law* equalizing all before it, the proclamation commits them to the lawless discretion of military governors and provost marshals; the bill forbids electors for President (in the rebel States), the proclamation with the defeat of the bill threatens us with civil war for the exclusion of such votes."

The criticisms of the President's course closed with the language of stern admonition if not indeed of absolute menace. The act of the President was denounced as "rash and fatal," and as "a blow at the friends of the Administration, at the rights of humanity, and at the principles of Republican government." The President was warned that the support of the Republican party was "of a cause and not of a man," that the "authority of Congress is paramount and must be respected," that the "whole body of Union men of Congress will not submit to be impeached by him of rash and unconstitutional legislation," that he must "confine himself to his Executive duties — to obey and execute, not make the laws;" that he "must suppress armed rebellion by arms and leave political re-organization to Congress."

No political result followed the publication of this remarkable paper save that it probably defeated the renomination of Mr. Davis for Congress. The Democrats were of course hostile to it in spirit and in letter, and the leading Republicans saw in it the seeds of a controversy between the President and Congress which might rapidly grow into dangerous proportions. The very strength of the paper was, by one of the paradoxes that frequently recur in public affairs, its special weakness. It was so powerful an arraignment of the President that of necessity it rallied his friends to his support with that intense form of energy which springs from the instinct of self-preservation. It was at once seen and profoundly realized by the

great majority of the loyal people that even if the President had fallen into an error, no result could possibly flow from adhering to it that would prove half so perilous to the Union cause as would dissension and division in the ranks of those who were relied upon to keep the Government in the control of an Administration, devoted heart and soul to the preservation of the Union. It was, they thought, safer to follow Mr. Lincoln who had all the power in his hands than to follow Messrs. Wade and Davis who had no power in their hands.

When Congress convened in December (1864), Mr. Lincoln, who had meanwhile been re-elected to the Presidency, studiously refrained from any reference in his annual message to the controversy over his proclamation. With the intuitive sagacity and caution which never failed him, he did not touch upon the question of reconstruction. He had foreseen that the unhappy differences with which the close of the previous session of Congress had been marked might be renewed, and thence lead the party into warring factions if he should again attempt to urge his own views. This was undoubtedly a disappointment to those who had regarded the controversy with the President as only postponed till the assembling of Congress, and who were impatiently awaiting its renewal. The assumed views of the President were antagonized later in the session by the passage of a joint resolution "declaring certain States not entitled to representation in the electoral college." This was done to cut off the electoral votes (should any such votes be returned) of Louisiana and Arkansas, satirically referred to by the opponents of the Administration policy as Mr. Lincoln's "ten per cent States" — in allusion to the permission given to one-tenth of the population to organize a State government.

The passage of this joint resolution, to which great importance was attached by the critics of the President, was met by Mr. Lincoln in a spirit and with a tact which deprived its authors of all sense of triumph. In a brief special message (February 8, 1865) the President declared that he had "signed the joint resolution in deference to the view of Congress implied in its passage and presentation." In his own view, however, the two Houses of Congress, convened under the twelfth article of the Constitution, "have complete power to exclude from counting all electoral votes deemed by them to be illegal, and it is not competent for the Executive to defeat or obstruct the power by a veto, as would be the case if his action were at all es-

sential to the matter." The President further informed Congress that "he disclaims all right on the part of the Executive to interfere in any way in the matter of canvassing or counting the electoral votes, and he also disclaims that by signing said resolution he has expressed any opinion on the recitals of the preamble or any judgment of his own upon the subject of the resolution."

The message was indeed throughout a sarcastic reflection upon the action of Congress. It was as if the President had said, "You have passed a resolution making certain declarations which nobody controverts: you have claimed certain powers which nobody denies. If I should sign your resolution without explanation, it might imply my right to veto it, and thereby take from you your undoubted Constitutional power. You are really guilty of weakening your own prerogatives under the Constitution by asking me to assent to their existence. If you intended your resolution as a reflection on my policy of reconstruction, you might have spared yourselves the trouble, for that policy never contemplated the slightest violation of the rights and prerogatives of Congress." The message throughout was a singularly apt illustration of that keen perception and abounding common sense which made Mr. Lincoln so formidable an antagonist in every controversy political and official in which he became involved. His triumph was complete both in the estimation of Congress and of the people.

Mr. Lincoln really adhered with unexpected tenacity to the plan of reconstruction which he had attempted, and which, putting aside the opprobrious names applied to it, was called by himself "The Louisiana Plan." He had stubbornly maintained his ground against the almost unanimous protest of Republican senators and representatives, and he justified himself by elaborate argument. He had been much influenced by the representations made by General Banks who was commander of the Military District, and much impressed by the perfect faith in its success entertained by leading men of the State. In the last speech he ever made (April 11, 1865), referring to the twelve thousand men who had organized the Louisiana Government, the President said, "If we now reject and spurn them, we do our utmost to disorganize and disperse them. We say to the white man, you are worthless or worse. We will neither help you nor be helped by you. To the black man we say, this cup of liberty which these, your old masters, hold to your lips, we will dash from you, and leave you to the chances of gathering the spilled and scattered contents in

some vague and undefined when and where and how. If this course, discouraging and paralyzing to both white and black, has any tendency to bring Louisiana into proper practical relations with the Union, I have so far been unable to perceive it. If, on the contrary, they recognize and sustain the new government of Louisiana, the converse of all this is made true. We encourage the hearts and nerve the arms of twelve thousand men to adhere to their work and argue for it, and proselyte for it, and fight for it, and grow it, and ripen it to a complete success. The colored man too, in seeing all united for him, is inspired with vigilance and with energy and daring to the same end. Grant that he desires the elective franchise. He will yet attain it sooner by saving the already advanced steps towards it than by running backward over them. Concede that the new government of Louisiana is only to what it should be as the egg is to the fowl, we shall sooner have the fowl by hatching the egg than by smashing it."

Mr. Lincoln described also at some length the process by which he had been induced to try the Louisiana plan. Like all his conclusions it was reached after much consultation and serious reflection. He was conscientiously convinced that, all things considered, it was the promptest and most feasible process of re-establishing civil government in the insurrectionary States. Mr. Lincoln was especially anxious that neither the ruling power nor the conquered rebels should by needless procrastination become accustomed to military government — a form of administration which he regarded as very tempting, but very sure to undermine, and in time to destroy, the real spirit of independence and self-government. It was his belief, as he expressed it himself, that "We must begin with and mold from disorganized and discordant elements, nor is it a small additional embarrassment that we, the loyal people, differ among ourselves as to the mode, manner, and measure of reconstruction. As a general rule I abstain from reading the reports of attacks upon myself, wishing not to be provoked by that to which I cannot properly make answer. In spite of this precaution, however, it comes to my knowledge that I am much censured for some supposed agency in setting up and seeking to sustain the new State Government of Louisiana. In this I have done just so much and no more than the public knows." He then gave somewhat full details of the successive steps he had taken in his attempt at reconstruction, — steps already detailed with precision in this chapter. After completing his recital he stated with entire frankness that he

had done nothing else. "Such," said he, "has been my only agency in setting up the Louisiana Government." He was thus explicit because certain members of Congress, in the excitement caused by their hostility to the President's plan, had been rash enough to insinuate that the President had a secret understanding with certain rebels, who, as soon as the President's hand was withdrawn, would turn the control of the State over to the unrepentant Democracy who had been so active in precipitating the war.

Concluding his remarks to an audience loath to leave and eager to hear every word from lips which seemed then to be those of an oracle, Mr. Lincoln dwelt with great seriousness, even with solemnity, upon this subject which now wholly engrossed his mind. The contest of arms was over, but the President realized that the great pressure of duty which had been weighing him down was not removed by the coming of peace. Its character was changed, its exactions were perhaps less urgent, but withal he felt that the war would have been in vain unless, in exchange for all its agonies and all its burdens, there should come to the institutions of the country some great reforms, and to the people a new baptism of patriotic interest and philanthropic duty. He dwelt with deep solicitude on the situation in the rebellious States, and, unable to speak as fully as he desired, said with evident emotion, "It may be my duty to make some new announcement to the people of the South. I am considering, and shall not fail to act when satisfied that action will be proper."

The "new announcement" to the South was never made. Three days after it was promised, Mr. Lincoln met his fate. What changes might have been wrought if he had lived to make the promised exposition can only be surmised. It may be well believed however that the confidence reposed in him universally in the North, and the respect he had as universally won in the South, would have given such commanding power to his counsel as would have seriously influenced, if not promptly directed, the mode of reconstruction. Mr. Lincoln's position when he spoke his closing words was very different from that which he held when Senator Wade and Henry Winter Davis ventured upon a controversy with him the preceding summer — boldly assailing his measures and challenging his judgment. He was at that time a candidate for re-election, undergoing harsh criticism and held rigidly accountable for the prolongation of the war. Now he stood triumphant in every public relation — chosen by an almost unprecedented vote to his second term, the rebellion conquered, the

Union firmly re-established! Never since Washington's exalted position at the close of the Revolution, or his still more elevated station when he entered upon the Presidency, has there been a man in the United States of so great personal power and influence as Mr. Lincoln then wielded.

It was perhaps not unnatural that from the day of Mr. Lincoln's death, his views as to the proper mode of reconstruction should become a subject of warm dispute between the partisans of different theories; yet no controversy could be less profitable for the simple reason that it was absolutely incapable of settlement. Beyond his experiment with the "Louisiana plan" Mr. Lincoln had never given the slightest indication either by word or deed as to the specific course he would adopt in the rehabilitation of the insurrectionary States. His characteristic anecdote of the young preacher who was exhorted "not to cross 'Big Muddy' until he reached it" was a perfect illustration of the painstaking, watchful habit in which he dealt with all public questions. He invariably declined to anticipate an issue or settle a question before it came to him in its natural, logical order. Louisiana was wholly in the possession of the Union troops in 1862-3, and presented a question that to his view had ripened for decision. Hence his prompt and definite procedure in that State. Severely challenged for what his accusers deemed a blunder, Mr. Lincoln defended himself with fair and full statements of fact, and was apparently justified in adopting the policy he had chosen. He had fortified his own judgment, as he frankly declared, "by submitting the Louisiana plan in advance to every member of the Cabinet, and every member approved it." His "promise was out," he said, to sustain this policy, but "bad promises," he significantly added, "are better broken than kept, and I shall treat this as a bad promise and break it whenever I shall be convinced that keeping it is adverse to the public interest."

It is apparent therefore that Mr. Lincoln had no fixed plan for the reconstruction of the States. Pertinently questioned on the subject by one whose personal relations entitled him to unreserved confidence, the President answered by one of his homely and apt illustrations: "The pilots on our Western rivers steer from *point to point* as they call it — setting the course of the boat no farther than they can see; and that is all I propose to myself in this great problem." This position was practically re-affirmed in the speech already copiously quoted. "So great peculiarities pertain to each State, and such important and

sudden changes occur in the same State, and withal so new and so unprecedented is the whole case, that no exclusive and inflexible plan can safely be prescribed in details and collaterals. Such exclusive and inflexible plan would only become a new entanglement." Such was the latitude of judgment which the President reserved to himself, such the liberty of action which he deemed essential to the complex problem, for whose solution there was no prescribed rule, no established precedent. On all questions of expediency the President maintained not only the right but the frequent necessity of change. "Principle alone," said he, "must be inflexible."

Encouraged by the result of the controversy, if it may be so termed, between the President and Congress as to the mode of reconstruction, Andrew Johnson determined to re-organize the government of his State. Though Vice-President-elect he was still discharging the functions of military governor of Tennessee. A popular convention, originating from his recommendation and assembling under his auspices, was organized at Nashville on the ninth day of January, 1865. Membership of the body was limited to those who "give an active support to the Union cause, who have never voluntarily borne arms against the Government, who have never voluntarily given aid and comfort to the enemy." The manifest purpose, indeed the proclaimed intention, was to re-organize the State, so as to bring all its powers distinctly and unreservedly under the control of that small minority of the population which had remained loyal to the Government of the Union. The preamble which prefaced their action cited the Declaration of Rights in the constitution of Tennessee to the effect that "all power is inherent in the people, and the people have an inalienable right to alter, reform, or abolish the Government in such manner as they may think proper." This was followed by a declaration which might well be viewed as a *non sequitur*. "Therefore," said the convention, "*a portion of the citizens* of the State of Tennessee and of the United States of America in convention assembled do propound the following amendments to the Constitution, which when ratified by the sovereign, loyal people shall be and constitute a part of the permanent constitution of the State of Tennessee."

It was very easy by strict logic to state grave objections to this

mode of procedure. It was easy to say that "a portion of the people" did not constitute "the people" in the sense in which the phrase was used in the constitution of Tennessee. It was easy to charge that the proposed mode of proceeding embodied all the heresy of the Dorr Rebellion of Rhode Island in 1842–43, which had fallen under the animadversion of every department of the United-States Government. But in answer to such objections, Governor Johnson, and those who co-operated with him, could urge that the objections and cavilings of all critics seemed to ignore the controlling fact that they were acting in a time of war, and were pursuing the only course by which the power of civil government in Tennessee could be brought to the aid of the military power of the National Government. Tennessee, as Johnson bluntly maintained, could only be organized and controlled as a State in the Union by that portion of her citizens who acknowledged their allegiance to the Government of the Union.

Under this theory of procedure the popular convention proposed an amendment to the State constitution, "forever abolishing and prohibiting slavery in the State," and further declaring that "the Legislature shall make no law recognizing the right of property in man." The convention took several other important steps, annulling in whole and in detail all the legislation which under Confederate rule had made the State a guilty participant in the rebellion. Thus was swept away the ordinance of Secession, and the State debt created in aid of the war against the Union. All these proceedings were submitted to popular vote on the 22d of February, and were ratified by an affirmative vote of 25,293 against a negative vote of 48. The total vote of the State at the Presidential election of 1860 was 145,333. Mr. Lincoln's requirement of one-tenth of that number was abundantly complied with by the vote on the questions submitted to the popular decision. Small as was the ratio of avowed Union men at the time, Mr. Johnson argued with much confidence that Tennessee, freed from coercion, would adhere to the Union by a large majority of her total vote. His faith was based on the fact that when the plain and direct question of Union or Disunion was submitted to the people in the winter of 1860–61, the vote for the former was 91,813, and for the latter only 24,749.

Under this new order of things, William G. Brownlow, better known to the world by his *soubriquet* of "Parson" Brownlow, was chosen governor without opposition on the fourth day of March,

1865, the day of Mr. Lincoln's second inauguration. The new Legislature met at Nashville a month later, on the 3d of April, and on the 5th ratified the Thirteenth Amendment; thus adding the abolition of slavery by National authority to that already decreed by the State. The Legislature completed its work by electing two consistent Union men, David T. Patterson and Joseph S. Fowler, to the United-States Senate. The framework of the new Government was thus completed and in operation before the death of Mr. Lincoln. It had not received the recognition and approval of the National Government in any specific or direct manner. But Andrew Johnson was inaugurated as Vice-President on the 4th of March, and the only form of government left in Tennessee was that of which Brownlow was the acknowledged head. The crucial test would come when the senators and representatives, elected under the Brownlow government, should apply for their seats in Congress.

The course pursued in Tennessee afforded a significant index to Mr. Johnson's conception of what was deemed necessary to prepare a State that had been in rebellion, for its full rehabilitation as a member of the Federal Union. His position was rendered still more pronounced and positive by his declarations in the remarkable speech delivered by him when he took the oath of office as Vice-President: "Before I conclude this brief Inaugural address in the presence of this audience, . . . I desire to proclaim that Tennessee, whose representative I have been, is free. She has bent the tyrant's rod, she has broken the yoke of slavery, she stands to-day redeemed. She waited not for the exercise of power by Congress; it was her own act; and she is now as loyal, Mr. Attorney-General, as the State from which you come. It is the doctrine of the Federal Constitution that no State can go out of this Union, and, moreover, Congress cannot eject a State from this Union. Thank God, Tennessee has never been out of the Union! It is true the operations of her government were for a time interrupted; there was an interregnum; but she is still in the Union, and I am her representative. This day (March 4, 1865) she elects her Governor and her Legislature, which will be convened on the first Monday of April, and her senators and representatives will soon mingle with those of her sister States; and who shall gainsay it, for the Constitution provides that to every State shall be guarantied a Republican form of government."

The very positive declaration by Mr. Johnson that "Tennessee has never been out of the Union" indicated the side he would take

in a pending controversy which was waxing warm between the disputants. Whether the act of Secession was void *ab initio* and really left the State still a member of the Union, or whether it did, however wrongfully, carry the State out of the Union as claimed by those engaged in the Rebellion, was one of the purely abstract political questions concerning which men will argue without ceasing,—reaching no conclusion because there is no conclusion to be reached. Both propositions were at the time affirmed and denied with all the earnestness, indeed with all the temper, which distinguished the mediæval theologians upon points of doctrine once regarded as essential to salvation, but the very meaning of which is scarcely comprehended by modern ecclesiastics. With his usual acumen and with his never-failing common sense, Mr. Lincoln declined to take part in the discussion. In his last public speech he treated this question with admirable perspicuity, and with his wonted felicity of homely illustration: "I have been shown what is supposed to be an able letter," said he, "in which the writer expresses regret that my mind has not seemed to be definitely fixed upon the question whether the seceded States, so called, are in the Union or out of it. . . . It would perhaps add astonishment to his regret to learn that as it appears to me, that question has not been and is not a practically material one, and that any discussion of it could have no effect other than the mischievous one of dividing friends. As yet, whatever it may become, the question is bad as the basis of a controversy—a merely pernicious abstraction. We all agree that the seceded States, so called, are out of their proper practical relation with the Union, and that the sole object of the Government is to get them back into their proper practical relation. I believe it is easier to do this without deciding or even considering whether those States have ever been out of the Union. The States finding themselves once more at home, it would seem immaterial to me to inquire whether they had ever been abroad."

The essential difference between the upholders and the opponents of this theory was not shown in the practical treatment proposed for the States which had been in rebellion. It was in truth a difference only in degree. The stoutest defenders of the dogma that the States had not been out of the Union did not propose to permit the re-organization of their local governments except upon conditions prescribed by the National authority, and did not assert the rightfulness of their claims to representation in the Senate and House until the prescribed

conditions were complied with. Those who protested against the dogma did not assert the right to keep the States out of the Union, but only claimed an unrestricted power to exact as the prerequisite to re-admission such conditions as might be deemed essential to the public safety — especially such as would most surely prevent another rebellion against National authority. The two schools in short marked the dividing line between the radical and the conservative. Perhaps another feature might still more clearly indicate the difference between the two. The conservatives thought the process of reconstruction could be accomplished under the sole authority and direction of the Executive Department of the Government, while the radicals held it to be a matter for the exclusive determination of Congress, affirming that the President's right of intervention was limited to approval or veto of the bills which Congress should send to him, and to the execution of all laws which should be constitutionally enacted.

An extra session of Congress seemed specially desirable at the time, and had one been summoned by the President, many of the troubles which subsequently resulted might have been averted. The propriety of ordering an earlier assemblage of the Thirty-ninth Congress than that already provided by the Constitution had been discussed to a very considerable extent among the members of the Thirty-eighth, as its final adjournment (March 3, 1865) approached. The rebellion seemed tottering to its fall, and it was the belief of many of the leading men both of the Senate and the House, that it might be a special advantage if Congress should be in session when the final surrender of the Confederate forces should be made. But the prevailing opinion was in favor of leaving the matter to Mr. Lincoln's discretion. It was felt by the members that if the situation should demand the presence of Congress, Mr. Lincoln would promptly issue his proclamation, and if the situation should not demand it, the presence of Congress might prove hurtful, and would certainly not be helpful. The calamity of Mr. Lincoln's death had never entered into the public mind, and therefore no provision was made with any view of its remotest possibility.

Mr. Johnson, however, is scarcely to be blamed for not calling an extra session of Congress. Aside from his confidence in his own power to deal with the problems before him, he shared, no doubt, in the general dislike which Presidents in recent years have shown for extra sessions. Indeed, to the Executive Department of the Govern-

ment, Congress, even in its regular sessions, is a guest whose coming is not welcomed with half the heartiness with which its departure is speeded. But an extra session, especially at the beginning of an Administration, is looked upon with almost superstitious aversion, and is always to be avoided if possible. It was remembered that all the woes of the elder Adams' Administration, all the intrigues which the choleric President fancied that Hamilton was carrying on against him in connection with our French difficulties, had their origin in the extra session of May, 1797. It was remembered also that the unpopularity which attached to the Presidency of Mr. Madison was connected with the two extra sessions which his timid Administration was perhaps too ready to assemble. So deeply was hostility to extra sessions implanted in the minds of political leaders by the misfortunes of Adams and Madison that another was not called for a quarter of a century. In September, 1837, Mr. Van Buren inaugurated the ill-fortune of his Administration by assembling Congress three months in advance of its regular session. John Tyler in turn never recovered from the dissensions and disasters of the extra session of May, 1841, — though it was precipitated upon him by a call issued by President Harrison. All these extra sessions except the one in Mr. Van Buren's Administration had been held in May, and even in his case the proclamation summoning Congress was issued in May. No wonder, therefore, that ill-luck came to be associated with that month. When the necessity of assembling Congress was forced upon Mr. Lincoln by the firing on Sumter, Mr. Seward warned him that in any event he must not have the session begin in May. It must be confessed therefore that the precedents were sufficiently alarming to influence Mr. Johnson against an extra session. Nor was there any popular demand for it because the President's policy had not as yet portended trouble or strife in the ranks of the Republican party.

CHAPTER IV.

President Johnson and the Cabinet. — Effect of Vice-President's Accession. — Example of Tyler in 1841 and Fillmore in 1850. — A Vice-President's Difficult Position. — Personnel of Cabinet in 1865. — Its Nearly Even Division on Reconstruction Issues. — Presumed Position of Each Member. — Stanton, Harlan, and Dennison Radical. — Welles, McCulloch, and Speed Conservative. — Mr. Seward's Relation to the President. — His Position explained. — Mr. Seward regains his Health. — Display of his Personal Power. — Characteristics of Mr. Seward. — Superiority of his Mind. — Tendency of the President's Mind. — Social Influences at work upon him. — His Radical Change of Position. — President's Proclamation May 29. — Amnesty and Pardon to Rebels. — Thirteen Excepted Classes. — The "Twenty-thousand-dollar" Disability. — Warmly opposed by Mr. Seward. — Clemency promised to Excepted Classes. — Pardons applied for. — Fourteen Thousand granted in Nine Months. — Another Proclamation of Same Date. — Provisional Governors appointed. — First for North Carolina. — Existing Governments in Virginia, Louisiana, Arkansas, and Tennessee recognized. — President's Reconstruction Policy. — Now fully disclosed. — Oath of Allegiance prescribed. — Provisional Governors to assemble Conventions. — The Conventions to form Constitutions. — Legislatures then to assemble. — Whole Machinery of Government in Motion. — Rebels in Possession of State Governments. — Colored Men excluded from all Participation. — Suffrage left to the States. — President's Personal Position on Suffrage. — Reconstruction Scheme complete in July. — The President and the Republican Party. — His Belief that the Party would follow him. — His Hostility to Radicals. — President depends on Conduct of the South. — Public Interest transferred to that Section.

DECLINING to seek the advice of Congress in the embarrassments of his position, President Johnson necessarily subjected himself to the counsel and influence of his Cabinet. He had inherited from Mr. Lincoln an organization of the Executive Departments which, with the possible exception of Mr. Seward, was personally agreeable to him and politically trusted by him. He dreaded the effect of changing it, and declined upon his accession to make room for some eminent men who by long personal association and by identity of views on public questions would naturally be selected as his advisers. He had not forgotten the experience and the fate of the two chief magistrates who like himself had been promoted from the Vice-

Presidency. He instinctively wished to avoid their mistakes, and to leave behind him an administration which should not in after years be remembered only for its faults, its blunders, its misfortunes.

The Federal Government had existed fifty-two years before it encountered the calamity of a President's death. The effect which such an event would produce upon the *personnel* of the Government and upon the partisan aspects of the Administration was not therefore known prior to 1841. The Vice-President in previous years had not always been on good terms with the President. In proportion to his rank there was no officer of the Government who exercised so little influence. His most honorable function — that of presiding over the Senate — was purely ceremonial, and carried with it no attribute of power except in those rare cases when the vote of the Senate was tied — a contingency more apt to embarrass than to promote his political interests. He was, of course, neither sought nor feared by the crowds who besieged the President. He was therefore not unnaturally thrown into a sort of antagonism with the Administration — an antagonism sure to be stimulated by the *coterie* who, disappointed in efforts to secure favor with the President, were disposed to take refuge in the Cave of Adullam, where from chagrin and sheer vexation the Vice-Presidents had too frequently been found. The class of disappointed men who gathered around the Vice-President held a political relation not unlike that of the class who in England have on several occasions formed the Prince of Wales' party — composed of malcontents of the opposition, who were on the worst possible terms with the Ministry.

John Tyler, as President Johnson well knew from personal observation, began his Executive career with an apparent intention of following in the footsteps of the lamented Harrison, to which course he had indeed been enjoined by the dying President in words of the most solemn import. Tyler gave assurances to his Cabinet that he desired them to retain their places. But the suggestion — which he was too ready to adopt — was soon made, that he would earn no personal fame by submissively continuing in the pathway marked out by another. With this uneasiness implanted in his mind, it was impossible that he should retain a Cabinet in whose original selection he had no part, and whose presence was the symbol of a political subordination which constantly fretted him. A cause of difference was soon found; difference led to irritation, irritation to open quarrel, and quarrel ended in a dissolution of the Cabinet five months after

Mr. Tyler's accession to the Executive chair. The dispute was then transferred to his party, and grew more angry day by day until Tyler was driven for political shelter and support to the Democratic party, which had opposed his election.

Mr. Fillmore had not been on good terms with General Taylor's Administration, and when he succeeded to the Presidency he made haste to part with the illustrious Cabinet he found in power. He accepted their resignations at once, and selected heads of departments personally agreeable to himself and in political harmony with his views. He did not desert his party, but he passed over from the anti-slavery to the pro-slavery wing, defeated the policy of his predecessor, secured the enactment of the Fugitive-slave Law, and neutralized all efforts to prohibit the introduction of slavery in the Territories. In this course Mr. Fillmore had the support of the two great leaders of the party, Mr. Clay and Mr. Webster, but he disregarded the young Whigs who under the lead of Mr. Seward were proclaiming a new political dispensation in harmony with the advancing public opinion of the world. Mr. Fillmore did not leave his party, but he failed to retain the respect and confidence of the great mass of Northern Whigs; and his administration came to an end in coldness and gloom for himself, and with the defeat, and practically the destruction, of the party which had chosen him to his high place four years before. His faithlessness to General Scott gave to the Democratic candidate an almost unparalleled victory. Scott encountered defeat. Fillmore barely escaped dishonor.

With the ill-fortune of these predecessors fresh in his memory, Mr. Johnson evidently set out with the full intention not merely of retaining the Cabinet of his predecessor, not merely of co-operating with the party which elected him, but of espousing the principles of its radical, progressive, energetic section. A Southern man, he undoubtedly aspired to lead and control Northern opinion — that opinion which had displayed the moral courage necessary to the prolonged anti-slavery struggle in Congress, and had exhibited the physical courage to accept the gauge of battle and prosecute a gigantic war in support of deep-rooted convictions. The speeches of the President had defined his position, and the Nation awaited the series of measures with which he would inaugurate his policy. Public interest in the subject would indeed have caused greater impatience if public attention had not in every Northern State been intently occupied in welcoming to their homes the troops, who in thinned ranks

and with tattered standards were about to close their military career and resume the duties of peaceful citizens.

The personal character and political bias of the members of the Cabinet, and especially their opinions respecting the policy which the President had indicated, became therefore a matter of controlling importance. The Cabinet had undergone many changes since its original organization in March, 1861. The substitution of Mr. Stanton for Mr. Cameron and of Mr. Fessenden for Mr. Chase has already been noticed; but on the day of Mr. Lincoln's second inauguration Mr. Fessenden returned to the Senate, resuming the seat which he had left the July previous, and which had in the interim been filled by Nathan A. Farwell, an experienced ship-builder and ship-master of Maine, who possessed an extraordinarily accurate knowledge of the commercial history of the country. Mr. Farwell is still living, vigorous in health and in intellect.

When Mr. Fessenden left the Treasury, he was succeeded by Hugh McCulloch, whose valuable service as Comptroller of the Currency had secured for him the promotion with which Mr. Lincoln now honored him. Mr. McCulloch was a native of Maine, who had gone to the West in his early manhood, and had earned a strong position as a business man in his Indiana home. He was a descendant of that small but prolific colony of Scotch and Scotch-Irish who had settled in northern New England, and whose blood has enriched all who have had the good fortune to inherit it. Mr. McCulloch was a devoted Whig, and was so loyal to the Union that during the war he could do nothing else than give his influence to the Republican party. But he was hostile to the creed of the Abolitionist, was conservative in all his modes of thought, and wished the Union restored quite regardless of the fate of the negro. He believed that unwise discussion of the slavery question had brought our troubles upon us, and that it would be inexcusable to continue an agitation which portended trouble in another form. The policy which he desired to see adopted was that which should restore the Rebel States to their old relations with the Union upon the freest possible conditions and within the shortest possible time.

Mr. Stanton, though originally a pro-slavery Democrat, had by the progress of the war been converted to the creed of the most radical wing of the Republican party. The aggressive movement, the denunciatory declarations made by Mr. Johnson against the "rebels" and "traitors" of the South, immediately after his acces-

sion to the Presidency, were heartily re-echoed by Mr. Stanton, who looked forward with entire satisfaction to the vigorous policy so vigorously proclaimed. Mr. Stanton's tendency in this direction had been strengthened by the intolerance and hatred of his old Democratic friends, — of whom Judge Black was a type, — who lost no opportunity to denounce him as a renegade to his party, as one who had been induced by place to forswear his old creed of State-rights. Such hostility should, however, be accounted a crown of honor to Mr. Stanton. He certainly came to the public service with patriotic and not with sordid motives, surrendering a most brilliant position at the bar, and with it the emolument of which in the absence of accumulated wealth his family was in daily need.

Mr. Stanton's observation and wide experience through the years of the war had taught him to distrust the Southern leaders. Now that they had been subdued by force, yielding at the point of the bayonet when they could no longer resist, he did not believe that they should be regarded as returning prodigals to be embraced and wept over, for whom fatted calves should be killed, and who should be welcomed at once to the best in their father's house. He thought rather that works meet for repentance should be shown by these offenders against the law both of God and man, that they should be held to account in some form for the peril with which they had menaced the Nation, and for the agony they had inflicted upon her loyal sons. Mr. Stanton was therefore, by every impulse of his heart and by every conviction of his mind, favorable to the policy which the President had indicated, if not indeed assured, to the people.

Gideon Welles of Connecticut, Secretary of the Navy, was a member of the original Cabinet of Mr. Lincoln. He belonged by habit of thought and former affiliation to the Democratic party: he had united with the Republicans solely upon the slavery issue. With the destruction of slavery his sympathies with the party were lessened. The industrial policy which the Republicans had adopted during the war was distasteful to Mr. Welles in time of peace. He had been a bureau-officer in the Navy Department during Mr. Polk's administration, and believed in the wisdom of the tariff of 1846, to which he gave the support of his pen. He possessed a strong intellect, but manifested little warmth of feeling or personal attachment for any one. He was a man of high character, but full of prejudices and a good hater. He wrote well, but was disposed to dip his pen in gall. He was careful as to matters of fact, fortified his memory by an

accurate diary, and had an innate love of controversy. With slavery abolished, the tendency of his mind was towards a lenient policy in Southern matters and for the promptest mode of reconstruction.

James Harlan of Iowa was Secretary of the Interior. Caleb B. Smith, who was a member of Mr. Lincoln's original Cabinet, had resigned in order to accept a Federal judgeship in Indiana, and his able assistant-secretary, John P. Usher, had been promoted to the head of the department, fulfilling his trust to Mr. Lincoln's satisfaction. He in turn resigned, and was succeeded by Mr. Harlan who was nominated by Mr. Lincoln, and unanimously confirmed by the Senate on the 9th of March — the confirmation to take effect on the 15th of May. It was an exceptional form of appointment; but when the date was reached, President Johnson insisted that the new Secretary should assume the duties of the office. Mr. Harlan was a well-educated man with strong natural parts. He had shown admirable capacity for public affairs in various positions in Iowa, and had served that State efficiently in the Senate of the United States, which he entered March 4, 1855, at thirty-five years of age. He was a pronounced and unflinching Republican, ready from personal attachment to Mr. Lincoln to follow him in any public policy, and while somewhat distrustful of Johnson was undoubtedly gratified and re-assured by the tone of his speeches. Mr. Harlan was not hasty in judgment but thoughtful and reflective, and aimed always to be just in his conclusions.

William Dennison of Ohio was Postmaster-General. He had succeeded Montgomery Blair during the Presidential campaign of 1864, when that officer's resignation was asked by the President as a means of appeasing the unreasonable and unreasoning body of men who had attempted to divide the Republican party at the height of the war by the nomination of General Frémont as a candidate for the Presidency. Mr. Dennison was an amiable man of high principles and just intentions, but he was not endowed with executive force or the qualities of a leader. He had secured the warm friendship of Mr. Lincoln during his service as war governor of Ohio. His selection as president of the convention that nominated Mr. Lincoln a second time was due to the zeal and the warmth with which he had supported the National Administration. His sympathies and associations were all with the strong Republican element of the country, and he was sure to be firm and exacting in his views of a reconstruction policy.

James Speed was Attorney-General. He had succeeded Edward Bates in December, 1864, and was selected for reasons which were partly personal, partly public. He was a Kentuckian and a Clay Whig, two points in his history which strongly attracted the favor of Mr. Lincoln. But more than all, he was the brother of Joshua Speed, with whom in young manhood, if not indeed in boyhood, Mr. Lincoln had been closely associated in Illinois. Of most kindly and generous nature, Mr. Lincoln was slow to acquire intimacies, and had few close friendships. But those who knew him well cannot fail to remember the kindling eye, the warmth of expression, the depth of personal interest and attachment with which he always spoke of "Josh Speed," and the almost boyish fervor with which he related incidents and anecdotes of their early association. James Speed, to whom Mr. Lincoln had been thus drawn, was a highly respectable lawyer, and was altogether a fit man to succeed Mr. Bates as the Border-State member of the Cabinet. As a Southern man, he was expected to favor a lenient policy towards his offending brethren, and was supposed to look coldly upon much that was implied in the President's declarations.

Of the six Cabinet ministers thus enumerated, it will be seen that three — Mr. McCulloch, Mr. Welles, and Mr. Speed — might be regarded as favoring a conservative plan of reconstruction, and three — Mr. Stanton, Mr. Harlan, and Mr. Dennison — a radical plan. These positions were thus assigned from circumstantial evidence rather than from direct declarations of the gentlemen themselves. At a time so critical, responsible officials were naturally reserved and cautious in the expression of opinions. But it was instinctively perceived by close observers of public events, that in correctly estimating the influence of the Cabinet upon the policy of President Johnson, great consideration must be given to the attitude which Mr. Seward might assume. If his strength should go with Mr. Stanton and the radical wing of the Cabinet, the President would be readily and completely confirmed in the line of policy frequently forecast in his speeches. If on the other hand, Mr. Seward should follow the generally anticipated course, and take ground against the harsh and vengeful spirit indicated by the President, a struggle would ensue, of which the issue would be doubtful.

During the period in which Mr. Johnson had been copiously illustrating the guilt of treason, and avowing his intention to punish traitors with the severest penalty known to the law, Mr. Seward

lay wounded and helpless. His injuries, received at the hands of the assassin, Payne, at almost the same moment in which Booth fired his fatal shot at the President, were at first considered mortal. The murderous assault came only a short time after a severe injury Mr. Seward had received in consequence of being violently thrown from his carriage. The shock to his nervous system from the attack of the assassin was so great that his physicians did not for some days permit him to learn the fate of the President, or even to know that his own son, Mr. Frederick Seward, who had been his faithful and able assistant in the State Department, was also one of the victims of the plot of assassination, and was lying, as it was feared, and indeed generally believed, at the point of death.

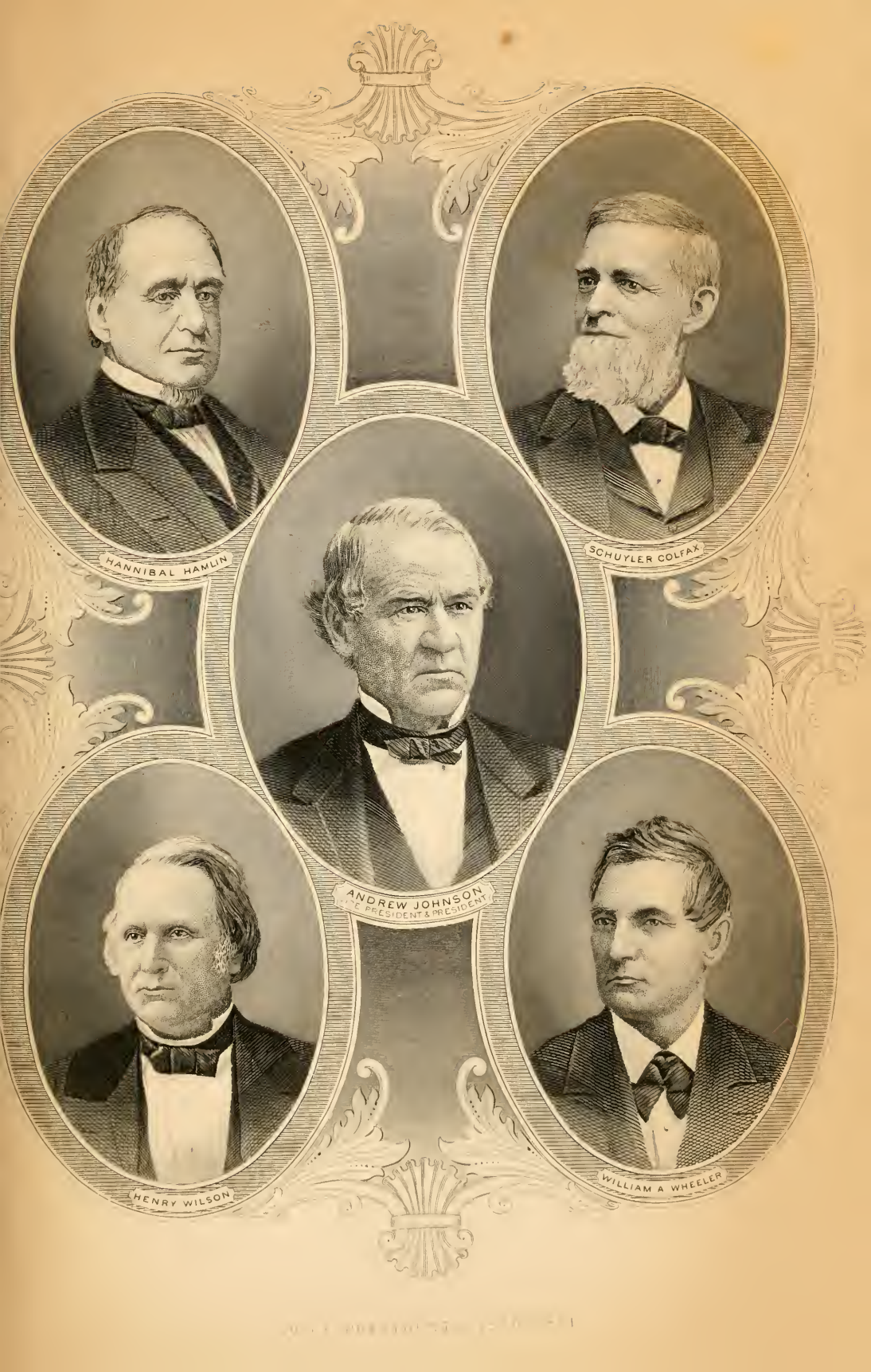
To the joy no less than to the surprise of the entire country Mr. Seward rallied and regained his strength very rapidly. He was wounded on the night of the 14th of April. By the first of May he had so far recovered as to be informed somewhat minutely of the sorrowful situation. By the tenth of the month he received visits from the President and his fellow-members of the Cabinet, and conferred with them on the engrossing questions that pressed upon the Administration. On the 20th he repaired to the Department of State — which then occupied the present site of the north front of the Treasury building — and held conference with foreign ministers, especially with the minister of France, touching the complication in Mexico. From that time onward, though still weak, and bowed down with grief by the death of Mr. Lincoln and the possibly impending death of one still nearer to him, Mr. Seward gave close attention to public affairs. The need of action and of energy so pressed upon him that he found no time to utter lamentation, none to indulge even in the most sacred personal grief. The heroic element of the man was displayed at its best. His moral strength, his mental fibre, his wiry constitution were all tested to their utmost, and no doubt to the serious shortening of his days.

Mr. Seward feared that the country was in danger of suffering very seriously from a possible, if not indeed probable, mistake of the Administration. In the creed of his own statesmanship, there was no article that comprehended revenge as a just motive for action. No man had suffered more of personal obloquy from the South than he, no one living had received deeper personal injury from the demoniac spirit, the wicked inspiration of the rebellion. But he did not for one moment permit those causes which would have power-

fully influenced lower natures to control his action, or even to extort a single word of passionate resentment.

It had been Mr. Seward's fortune at different epochs in the country's history and in different phases of his own career to incur the harshest censure from political associates. He had been accused at one time of urging the anti-slavery cause so far as to endanger the Union; and, when the Union was endangered, he was accused of being willing to sacrifice the anti-slavery cause to save it. "The American people," said he in February, 1861, "have in our day two great interests, — one the ascendency of freedom, the other the integrity of the Union. The slavery interest has derived its whole political power from bringing the latter object into antagonism with the former. Twelve years ago Freedom was in danger, and the Union was not. . . . To-day practically Freedom is not in danger, and the Union is. With the loss of the Union, all would be lost." Mr. Seward, influenced by this belief, went farther in the direction of conciliation for the avoidance of war than his associates were willing to follow. His words gave offense to some who had long been his most earnest supporters, — a fact thus pointedly recognized by him: "I speak now singly for Union, striving if possible to save it peaceably; if not possible, then to cast the responsibility upon the party of slavery. For this singleness of speech, I am suspected of infidelity to freedom." But Mr. Seward held his course firmly, and waited for vindication as men of rectitude and true greatness can afford to wait. "I refer myself not to the men of my time, but to the judgment of history."

A similar dedication of himself to the judgment of history was in Mr. Seward's opinion again demanded of him. He was firmly persuaded that the wisest plan of reconstruction was the one which would be speediest; that for the sake of impressing the world with the strength and the marvelous power of self-government, with its Law, its Order, its Peace, we should at the earliest possible moment have every State restored to its normal relations with the Union. He did not believe that guarantee of any kind beyond an oath of renewed loyalty was needful. He was willing to place implicit faith in the coercive power of self-interest operating upon the men lately in rebellion. He agreed neither with the President's proclaimed policy of blood, nor with that held by the vast majority of his own political associates, which, avoiding the rigor of personal punishment, sought by exclusion from political honor and emolument to


HANNIBAL HAMLIN
SCHUYLER COLFAX
ANDREW JOHNSON
VICE PRESIDENT & PRESIDENT
HENRY WILSON
WILLIAM A WHEELER

administer wholesome discipline to the men who had brought peril to the Government and suffering to the people.

Mr. Seward was undoubtedly influenced in no small degree in these conclusions by the habit of mind he had acquired in conducting the foreign affairs of the Government during the period of the war. He had keenly felt the reproach, the taunt, and the open or ill-disguised satisfaction reflected by a large number of the public men of Europe that we were no longer and could never again be "the *United* States of America." He felt that the experiment of Imperial Government in Mexico, then in progress under Maximilian, was a disturbing element, and tended by possible conflicts on this continent to embroil us with at least two great European powers. The defense against that unwelcome alternative, and the defense against its evil result, if it should come, would in his judgment be found in a completely restored Union — with the National Government supreme, and all its parts working in harmony and in strength. He believed moreover that the legislation which should affect the South, now that peace had returned, should be shared by representatives of that section, and that as such participation must at last come if we were to have a restored Republic, the wisest policy was to concede it at once, and not nurture by delay a new form of discontent, and induce by withholding confidence a new phase of distrust and disobedience among the Southern people.

Entertaining these views, and deeply impressed with the importance of incorporating them in the plan of reconstruction, Mr. Seward rose from his sick-bed, pale, emaciated, and sorrowful, to persuade his associates in the Government, of the wisdom and necessity of adopting them. He had undoubtedly a hard task with the President. The two men were naturally antagonistic on so many points that agreement and cordiality seemed impossible upon a question in regard to which they held views diametrically opposite. Mr. Johnson inherited all his political principles from the Democratic party. He had been filled with an intense hatred of the Whigs and with an almost superstitious dread of the Federalists. Mr. Seward and he were therefore political antipodes. The one was the eulogist and follower of John Quincy Adams, the other was a sincere believer in the creed and the measures of Andrew Jackson. As Adams and Jackson had agreed only in devotion to the Union, so now Seward and Johnson seemed to have no other principle of Government in common, and that principle was equally strong in each.

Not only was this obstacle of inherent difference of political view in Mr. Seward's way, but he also encountered an intense personal prejudice which even while he was disabled by wounds had been insinuated into the President's mind. Nor had Mr. Seward any force of popularity at the time with the Republican party of the country. It had fallen to his lot during the four eventful years of the war to assume unpleasant responsibilities and to perform ungracious acts. He was not at the head of a department where popular applause awaited his ablest work, or where popular attention was attracted by the most brilliant triumphs of his diplomatic correspondence.

The successful placing of a vast loan among the people redounded everywhere to the praise of Mr. Chase. The gaining of a victory in the field reflected credit upon Mr. Stanton. But a series of diplomatic papers far outreaching in scope and grasp those of any statesman or publicist with whom he was in correspondence, recalling in skill the best efforts of Talleyrand, and in spirit the loftiest ideals of Jefferson, did not advance the popularity of Mr. Seward because the field of his achievements and triumphs was not one in which the masses of the people took an active interest. The most difficult and in many cases the most successful of diplomatic work is necessarily confidential for long periods. In legislative halls, discussion on questions of interest enlists public attention and holds the popular mind in suspense before the fate of the measure is decided. But the dispatches and arguments of a minister of Foreign Affairs, which may lead to results of great consequence to his country, are not gazetted till long after they have borne their fruit; and the public, rejoicing in the conclusion, seldom turns to examine the toilsome process by which it was attained. It was from the comparative isolation of the Department of State, four years removed from active contact with the people, that Mr. Seward now assumed the task of controlling the new President and directing his policy on the weightiest question of his Administration.

Those who thoroughly knew Mr. Seward through all the stages of his political career were aware that, great as he was in public speech, in the Senate, at the Bar, before popular assemblies, cogent and powerful as he had so often proved with his pen, his one peculiar gift, greater perhaps than any other with which he was endowed, was his faculty, in personal intercourse with one man or with a small number of men, of enforcing his own views and taking captive his hearers. With the President alone, or with a body no larger than a

Cabinet, where the conferences and discussions are informal and conversational, Mr. Seward shone with remarkable brilliancy and with power unsurpassed. He possessed a characteristic rare among men who have been long accustomed to lead, — he was a good listener. He gave deferential attention to remarks addressed to him, paid the graceful and insinuating compliment of seeming much impressed, and offered the delicate flattery, when he came to reply, of repeating the argument of his opponent in phrase far more affluent and eloquent than that in which it was originally stated.

In his final summing up of the case, when those with whom he was conferring were, in Dr. Johnson's phrase, "talked out," Mr. Seward carried all before him. His logic was clear and true, his illustration both copious and felicitous, his rapid citation of historical precedents surprising even to those who thought they had themselves exhausted the subject. His temper was too amiable and serene for stinging wit or biting sarcasm, but he had a playful humor which kept the minds of his hearers in that receptive and compliant state which disposed them the more readily to give full and generous consideration to all the strong parts of his argument. It might well indeed be said of Mr. Seward as Mr. Webster said of Samuel Dexter, "The earnestness of his convictions wrought conviction in others. One was convinced and believed and assented because it was gratifying and delightful to think and feel and believe in unison with an intellect of such evident superiority."

Equipped with these rare endowments, it is not strange that Mr. Seward made a deep impression upon the mind of the President. In conflicts of opinion the superior mind, the subtle address, the fixed purpose, the gentle yet strong will, must in the end prevail. Mr. Seward gave to the President the most luminous exposition of his own views, warm, generous, patriotic in tone. He set before him the glory of an Administration which should completely re-establish the union of the States, and re-unite the hearts of the people, now estranged by civil conflict. He impressed him with the danger of delay to the Republic and with the discredit which would attach to himself if he should leave to another President the grateful task of reconciliation. He pictured to him the National Constellation no longer obscured but with every star in its orbit, all revolving in harmony, and once more shining with a brilliancy undimmed by the smallest cloud in the political heavens.

By his arguments and by his eloquence Mr. Seward completely

captivated the President. He effectually persuaded him that a policy of anger and hate and vengeance could lead only to evil results; that the one supreme demand of the country was confidence and repose; that the ends of justice could be reached by methods and measures altogether consistent with mercy. The President was gradually influenced by Mr. Seward's arguments, though their whole tenor was against his strongest predilections and against his pronounced and public committals to a policy directly the reverse of that to which he was now, almost imperceptibly to himself, yielding assent. The man who had in April avowed himself in favor of "the halter for intelligent, influential traitors," who passionately declared during the interval between the fall of Richmond and the death of Mr. Lincoln that "traitors should be arrested, tried, convicted, and hanged," was now about to proclaim a policy of reconstruction without attempting the indictment of even one traitor, or issuing a warrant for the arrest of a single participant in the Rebellion aside from those suspected of personal crime in connection with the noted conspiracy of assassination.

In this serious struggle with the President, Mr. Seward's influence was supplemented and enhanced by the timely and artful interposition of clever men from the South. A large class in that section quickly perceived the amelioration of the President's feelings, and they used every judicious effort to forward and develop it. They were ready to forget all the hard words of Johnson, and to forgive all his harsh acts, for the great end to be gained to their States and their people by turning him aside from his proclaimed policy of punishing a great number of rebels with the utmost severity of the law. Johnson's wrath was evidently appeased by the complaisance shown by leading men of the South. He was not especially open to flattery, but it was noticed that words of commendation from his native section seemed peculiarly pleasing to him.

The tendency of his mind under such influences was perhaps not unnatural. It is a common instinct of mankind to covet in an especial degree the good will of the community among whom the years of childhood and boyhood are spent. Applause from old friends and neighbors is the most grateful that ever reaches human ears. When Washington's renown filled two continents, he was still sensitive respecting his popularity among the freeholders of Virginia. When Bonaparte had kingdoms and empires at his feet, he was jealous of his fame with the untamed spirits of Corsica, where among the

veterans of Paoli he had received the fiery inspiration of war. The boundless admiration and gratitude of America never compensated Lafayette for the failure of his career in France. This instinct had its full sway over Johnson. It was not in the order of nature that he should esteem his popularity among Northern men, to whom he was a stranger, as highly as he would esteem it among the men of the South, with whom he had been associated during the whole of his career. In that section he was born. There he had acquired the fame which brought him national honors, and after his public service should end he looked forward to a peaceful close of life in the beautiful land which had always been his home.

Still another influence wrought powerfully on the President's mind. He had inherited poverty in a community where during the slave system riches were especially envied and honored. He had been reared in the lower walks of life among a people peculiarly given to arbitrary social distinctions and to aristocratic pretensions as positive and tenacious as they were often ill-founded and unsubstantial. From the ranks of the rich and the aristocratic in the South, Johnson had always been excluded. Even when he was governor of his State or a senator of the United States, he found himself socially inferior to many whom he excelled in intellect and character. His sentiments were regarded as hostile to slavery, and to be hostile to slavery was to fall inevitably under the ban in any part of the South for the fifty years preceding the war. His political strength was with the non-slave-holding white population of Tennessee which was vastly larger than the slave-holding population, the proportion indeed being twenty-seven to one. With these a "good fellow" ranked all the higher for not possessing the graces or, as they would term them, the "airs" of society.

As Mr. Johnson grew in public favor and increased in reputation, as his talents were admitted and his power in debate appreciated, he became eager to compel recognition from those who had successfully proscribed him. A man who is born to social equality with the best of his community, and accustomed in his earlier years to its enjoyment, does not feel the sting of attempted exclusion, but is rather made pleasantly conscious of the *prestige* which inspires the adverse effort and can look upon its bitterness in a spirit of lofty disdain. Wendell Phillips, descended from a long line of distinguished ancestry, was amused rather than disconcerted by the strenuous but futile attempts to ostracize him for the maintenance of opinions which he

lived to see his native city adopt and enforce. But the feeling is far different in a man who has experienced only a galling sense of inferiority. To such a one, advancing either in fortune or in fame, social prominence seems a necessity, without which other gifts constitute only the aggravations of life.

It was therefore with a sense of exaltation that Johnson beheld as applicants for his consideration and suppliants for his mercy many of those in the South who had never recognized him as a social equal. A mind of true loftiness would not have been swayed by such a change of relative positions, but it was inevitable that a mind of Johnson's type, which if not ignoble was certainly not noble, should yield to its flattering and seductive influence. In the present attitude of the leading men of the South towards him, he saw the one triumph which sweetened his life, the one requisite which had been needed to complete his happiness. In securing the good opinion of his native South, he would attain the goal of his highest ambition, he would conquer the haughty enemy who during all the years of his public career had been able to fix upon him the badge of social inferiority.

On the 29th of May (1865), nineteen days after Mr. Seward's first interview with President Johnson, and nine days after his first visit to the State Department, two decisive steps were taken in the work of reconstruction. Both steps proceeded on the theory that every act needful for the rehabilitation of the seceded States could be accomplished by the Executive Department of the Government. This was known to be the favorite doctrine of Mr. Seward, and the President readily acquiesced in its correctness. There is nothing of which a public officer can be so easily persuaded as of the enlarged jurisdiction which pertains to his station. If the officer be of bold mind, he arrogates power for purposes of ambition; and even with timid men power is often assumed as a measure of protection and defense. Mr. Johnson was a man of unquestioned courage, and was never afraid to assume personal and official responsibility when circumstances justified and demanded it. Mr. Seward had therefore no difficulty in persuading him that he possessed, as President, every power needful to accomplish the complete reconstruction of the rebellious States.

The first of these important acts of reconstruction, upon the

expediency of which the President and Mr. Seward had agreed, was the issuing of a Proclamation of Amnesty and Pardon to "all persons who have directly or indirectly participated in the existing Rebellion" upon the condition that such persons should take and subscribe an oath — to be registered for permanent preservation — solemnly declaring that henceforth they would "faithfully support, protect, and defend the Constitution of the United States and the union of the States thereunder;" and that they would also "abide by and faithfully support all laws and proclamations which have been made during the existing Rebellion, with reference to the emancipation of slaves." It was the first official paper which Mr. Seward attested as Secretary of State under President Johnson. He undoubtedly intended to signalize his return to health and his resumption of official duty by public participation in an act which he regarded as one of wisdom and mercy — an act which was wise because merciful.

The general declaration of amnesty was somewhat narrowed in its scope by the enumeration, at the end of the proclamation, of certain classes which were excepted from its benefit. In naming these classes a keen discrimination had been made as to the character and degree of guilt on the part of those who had participated in the Rebellion.

— First, "All diplomatic officers and foreign agents of the Confederate Government" were excluded. Their offense was ranked high because of their efforts to embroil us with other nations.

— Second, "All who left judicial stations under the United States to aid the Rebellion." They were held to be specially culpable because they had been highly honored by their Government, and because they could not, like many, plead in excuse the excitement and antagonisms which spring from an active participation in political affairs.

— Third, "All military and naval officers of the Confederacy above the rank of colonel in the army or lieutenant in the navy" The men who actually bore arms were, of course, the chief offenders; but holding officers only of high grade accountable, was intended as an act of marked and significant lenieney to the multitude of the rank and file.

— Fourth, "All who left seats in the Congress of the United States to join the Rebellion." These should, indeed, have been first named, for they, above all other men, fomented the Rebellion in its early stages.

— Fifth, "All who resigned, or tendered resignations, in the Army or Navy of the United States to evade duty in resisting the Rebellion." These men were even more culpable than those who joined the Rebellion. They were not openly traitors, but were popularly and significantly termed "sneaks."

— Sixth, "All who have been engaged in treating otherwise than as lawful prisoners of war, persons found in the United-States service as officers, soldiers, or seamen." This was specially directed against those who had maltreated negro troops and attempted, by personal cruelty, to frighten them from the National service.

— Seventh, "All persons who have been, or are, absentees from the United States for the purpose of aiding the Rebellion." The men who had misled public opinion in England, and who hovered along the Canadian border during the war, concocting schemes for burning Northern cities, and for spreading the infection of yellow-fever and the plague of the small-pox in the loyal States, were specially aimed at in this exclusion.

— Eighth, "All officers in the rebel service who had been educated at the United-States Military or Naval Academy." These men had received the bounty of the Government, shared its confidence, and were under peculiar obligation to defend it.

— Ninth, "All men who held the pretended offices of governors of States in insurrection against the United States." As the civil war had for its basis the dogma of *State-rights*, the chief executive officers of States represented in an especial manner the guilt of the Rebellion.

— Tenth, "All persons who left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the Rebellion." The personal guilt of these men lay in the fact that, according to their own theory of *State-rights*, they were traitors. They did not adhere to the States which gave them birth, or to the States of which they were citizens.

— Eleventh, "All persons who have been engaged in the destruction of the commerce of the United States upon the high seas, and all persons who have been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British Provinces from the United States." The acts of these men were specially reprobated because they did not proceed according to the laws of war. In the popular mind they were held amenable to the charge of piracy.

— Twelfth, "All persons who, at the time when they seek to obtain amnesty and pardon, are in military, naval, or civil confinement, as prisoners of war, or persons detained for offenses of any kind either before or after conviction." Many prisoners in the custody of the Government were charged with acts of peculiar cruelty or perfidy, especially with the committal of personal outrages which did not, in any degree, affect the fortunes of the war, and were not therefore entitled to the excuse of having been the necessities of a bad cause. — Thirteenth, "All participants in the Rebellion, the estimated value of whose taxable property is over twenty thousand dollars." The intention of this exception was to draw the line between the men who could exert influence in their respective communities, and those who were necessarily led by others. Fixing this partition between voluntary and involuntary guilt on the property line was a favorite measure with President Johnson. It met with much opposition from the loyal as well as the disloyal.

A fourteenth class was excepted, not from the benefits of the proclamation of amnesty, but from the necessity of taking the oath demanded from the other classes. Full pardon was granted, without further act on their part, to all who had taken the oath prescribed in President Lincoln's proclamation of December 8, 1863, and who had thenceforward kept and maintained the same inviolate. The status of every man in the Confederate States was thus determined and proclaimed, — a procedure which was intended to be the corner-stone of the work of reconstruction.

Standing naked and unqualified these thirteen exceptions might seem to imply a harshness of treatment inconsistent with the spirit of forgiveness and generosity upon which Mr. Seward had been insisting, and to which the President had apparently assented. The classes excepted were more numerous and far more comprehensive than those excluded from amnesty under the proclamation issued by Mr. Lincoln on the 8th of December, 1863. That proclamation not only embodied the views of Mr. Lincoln, but was approved by Mr. Seward in whole and in detail. The difference between the two proclamations was not, however, radical, and was readily reconcilable with Mr. Seward's purpose. He had indeed equalized their attributes of mercy by inducing President Johnson to insert a proviso declaring that "special application may be made to the President for pardon by any person belonging to the excepted classes," and the assurance was added that "such clemency will be liberally extended

as may be consistent with the facts of the case and with the peace and dignity of the United States." This proviso was, in effect, an invitation to the excepted classes to apply for pardon, with an intimation that the case of any individual must indeed be one of aggravated guilt to involve serious danger of the withholding of Executive favor. Mr. Lincoln had held out no hope of amnesty to the excluded classes in his proclamation, though doubtless he intended, as he afterwards expressed it himself, to "let them up in due season."

Mr. Seward had favored the large list of exceptions for another cause which he thought might work good results. The ruling classes of the old slave aristocracy were all included in the exceptions, and it was Mr. Seward's belief that they would more highly appreciate the benefit of amnesty by receiving it as an individual gift for which they were compelled to ask. Nor did the acute Secretary of State fail to see that the personal importance and prestige of the excluded classes were by the very fact of exclusion advanced in the South. In an unsuccessful revolt the man who has dealt the heaviest blows is the one upon whose head a price is set by the conquering power. By excluding these Southern leaders, their sense of self-importance was enhanced, their influence among their people was increased. Subsequently, by granting special pardon and amnesty to individuals of these excluded classes, as was intended from the first, Mr. Seward felt that he would be bringing each one to whom Executive clemency was extended under a sense of personal obligation to the President, and would thereby be increasing the influence of the Administration in directing the process and progress of reconstruction in the South.

Every exclusion except the thirteenth had therefore received the ready concurrence and approbation of Mr. Seward. He resisted the thirteenth as far as he could, but finally yielded to the President, who had from the first seemed bent on punishing the men of property in the Confederate States. Mr. Seward could not approve an arbitrary declaration that a man who had inherited, or by thrift had acquired, twenty thousand dollars should for that assigned reason be put under the ban. In Mr. Johnson's mind, however, the belief was firmly rooted and grounded that the Rebellion was the work of the slave-holders; and as the slave-holders were in large proportion the men of wealth in the South, he was sure he would catch in his twenty-thousand-dollar drag-net some great offenders not included in other classes. But as a matter of fact it is not true that the men of property in the South were in any special degree responsible for the

origin of the civil war. The large slave-holders as a class, uninfluenced by those who used the institution of slavery as a political weapon, would not have taken measures to break up the Union because of Mr. Lincoln's election. Mr. Johnson, therefore, was merely striking at the class whom he personally hated when he arraigned the men of property and excluded them all from the benefit of amnesty.

The final though reluctant assent of Mr. Seward to the exclusion of the property-owners as a class, rested in his confidence that special pardons would cure the evil and repair the injustice which the singular and vindictive action of Mr. Johnson might entail. He believed, moreover, that after all the destruction resulting from the civil war and all the loss to slave-holders from the decree of emancipation, the men in the South who possessed taxable property to the net amount of twenty thousand dollars did not constitute a large number. The South, at the beginning of the war, had no manufactories; and all its stores of merchandise — the cotton, the rice, the sugar, the tobacco, the hemp, the tar, the turpentine — had been exhausted, either by home consumption or by shipments as return cargoes on blockade runners, in payment of debts contracted for material of war. The property of the South, therefore, was simply its real estate, and that, in the overthrow of the labor system by the enfranchisement of the slave, could not be sold for more than twenty per cent of the sum it would have brought at public auction at any time during the ten years preceding the war. Mr. Seward must, therefore, have been correct in his estimate that there were very few men in the late Confederacy whose property, by any fair valuation, could be assessed for taxation at twenty thousand dollars.

The judgment of Mr. Seward as to the promptness with which Southern men would seek special pardon and amnesty was abundantly vindicated. The promise of Executive clemency, which he induced President Johnson to insert in his proclamation, exerted a speedy and strong influence upon the excepted classes. Those who but a short time before had been vowing unending hostility to the Union, found themselves confronted with the prospect of a State Government organized, not by aliens and enemies whom they could thwart and resist, but by their own brethren of the South who had been washed clean of the sin of rebellion by the simple taking of an oath of future loyalty and fidelity to the Union. The excluded classes could not endure to contemplate this result, and hence they were drawn to ask

for amnesty and pardon. Applications came in great numbers from the South. In the archives of the State Department there are some twenty-four large volumes recording the pardons granted in less than nine months after the proclamation. The aggregate number is nearly fourteen thousand, and the list includes prominent men of all classes in the South, who, recognizing the fact that the Rebellion had failed, turned, as the only alternative, to the Government which had conquered and was now ready to extend a magnanimous forgiveness. Many of these sought to place themselves in harmony with the restored Union, and looked forward hopefully to the events of the future. Many others, as it must be regretfully but truthfully recorded, appeared to have no proper appreciation of the leniency extended to them. They accepted every favor with an ill grace, and showed rancorous hatred to the National Government even when they knew it only as a benefactor.

Having by the proclamation extended amnesty on the simple condition of an oath of loyalty to the Union and the Constitution, and obedience to the Decree of Emancipation, the President had established a definite and easily ascertainable constituency of white men in the South to whom the work of reconstructing civil government in the several States might be intrusted. A circular from Mr. Seward accompanied the proclamation, directing that the oath might "be taken and subscribed before any commissioned officer, civil, military, or naval, in the service of the United States, or before any civil or military officer of a loyal State or Territory, who, by the laws thereof, may be qualified to administer oaths." Every one who took the oath was entitled to a certified copy of it, as the proof of his restoration to all civil rights, and a duplicate, properly vouched, was forwarded to the State Department, to be "deposited and remain in the archives of the Government." Mr. Seward had thus adopted the simplest, most convenient, and least expensive process for the administration of the oath of loyalty. Indeed the certifying officer was almost brought to the door of every Southern household. The mercy and grace of the Government fell upon the great mass of those who had been engaged in rebellion as gently and as plenteously as the rain from heaven upon the place beneath the feet of the offenders.

With these details complete, a second step of great moment was taken by the Government on the same day (May 29). A proclamation was issued appointing William W. Holden provisional governor of the State of North Carolina, and intrusting to him, with the cooperation of the constituency provided for in the first proclamation, the important work of reconstructing civil government in the State. The proclamation made it the duty of Governor Holden "at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for assembling a convention — composed of delegates who are loyal to the United States and no others — for the purpose of altering or amending the Constitution thereof, and with authority to exercise, within the limit of said State, all the powers necessary and proper to enable the loyal people of the State of North Carolina to restore said State to its constitutional relations to the Federal Government and to present such a Republican form of State Government as will entitle the State to the guaranty of the United States therefor and its people against invasion, insurrections, and domestic violence."

It was specially provided in the proclamation that in "choosing delegates to any State Convention no person shall be qualified as an elector or eligible as a member unless he shall have previously taken the prescribed oath of allegiance, and unless he shall also possess the qualifications of a voter as defined under the Constitution and Laws of North Carolina as they existed on the 20th of May, 1861, immediately prior to the so-called ordinance of secession." Mr. Lincoln had in mind, as was shown by his letter to Governor Hahn of Louisiana, to try the experiment of negro suffrage, beginning with those who had served in the Union Army, and who could read and write; but President Johnson's plan confined the suffrage to white men, by prescribing the same qualifications as were required in North Carolina before the war. The convention that might be chosen by the voters whose qualifications were thus preliminarily defined, or the Legislature which the convention might order to meet, were empowered to prescribe the permanent qualifications of voters and the eligibility of persons to hold office under the Constitution and Laws of the State — "a power," as the President was careful to declare, "which the people of the several States composing the Federal Union have rightfully exercised from the origin of the Government to the present time."

The military commander of the Department of North Carolina

and all officers and persons in the military and naval service of the United States were directed to aid and assist in carrying the proclamation into effect, and they were specially ordered to "abstain from hindering, impeding, or discouraging the loyal people in any manner whatever from the organization of a State Government as herein authorized." The several heads of the Executive Departments were directed to re-establish the entire machinery of the National Government within the limits of North Carolina. The Secretary of the Treasury was directed to nominate for appointment, collectors of customs, assessors and collectors of internal revenue, and such other officers of the Treasury Department as were authorized by law. The Postmaster-General was directed to re-establish the post-offices and postmasters. The United-States district judge was directed to hold courts in North Carolina, and the Attorney-General was ordered to "enforce the administration of justice within said State in all matters within the cognizance and jurisdiction of the Federal courts." In short, every power of the National Government in North Carolina was re-asserted, every function re-established, every duty re-assumed. In making appointments for office, it was ordered in the proclamation that "preference shall be given to qualified loyal persons residing within the districts where their respective duties are to be performed. But if suitable residents of the districts shall not be found, then persons residing in other States or districts shall be appointed."

A fortnight later, on the 13th of June, a proclamation was issued for the reconstruction of the civil government of Mississippi, and William L. Sharkey was appointed provisional governor. Four days later, on the 17th of June, a similar proclamation was issued for Georgia with James Johnson for provisional governor, and for Texas with Andrew J. Hamilton for provisional governor. On the 21st of the same month Lewis E. Parsons was appointed provisional governor of Alabama, and on the 30th Benjamin F. Perry was appointed provisional governor of South Carolina. On the 13th of July the list was completed by the appointment of William Marvin as provisional governor of Florida. The precise text of the North-Carolina proclamation, *mutatis mutandis*, was repeated in each one of those relating to these six States. The process was designed to be exhaustive by fully restoring every connection existing under the Constitution between the States and the National Government. Viewed merely as a theory it was perfect. The danger was that in the test of actual practice it might end like so many similar experiments in other

countries. An opponent wittily characterized it as Government by *diagram*, accurately drawn on an Executive blackboard.

For the reconstruction of the other four States of the Confederacy different provisions were made. In Virginia Francis H. Pierpont had been made governor after the State had seceded and the State of West Virginia had been established. He was the head of the Loyal Government of Virginia, which gave its assent to the division of the State. His Government, the shell of which had been preserved after West Virginia's separate existence had been recognized by the National Government, with its temporary capital at Alexandria, was accepted by President Johnson's Administration as the legitimate Government of Virginia. All its archives, property, and effects, as was afterwards said by Thaddeus Stevens, were taken to Richmond in an ambulance. As early as the 9th of May President Johnson had issued a proclamation recognizing Mr. Pierpont as governor of the State, and assuring him that he would be "aided by the Federal Government, so far as may be necessary, in the lawful measures he may take for the extension and administration of the State Government throughout the geographical limits of said State." The same proclamation declared that "All acts and proceedings of the political, military, and civil organizations which have been in a state of insurrection and rebellion within the State of Virginia against the laws and authority of the United States are declared null and void." The proclamation further declared that any person assuming to exercise any authority in Virginia by virtue of a military or civil commission issued by Jefferson Davis, President of the so-called Confederate States, or by John Letcher, or William Smith, Governors of Virginia, "shall be deemed and taken as in rebellion against the United States, and dealt with accordingly."

A course not dissimilar to that adopted in Virginia was followed in Louisiana, Arkansas, and Tennessee. In all of them the so-called "ten per cent" governments established under Mr. Lincoln's authority were now recognized. Governor Hahn was held to be the true executive of Louisiana, — a concession all the more readily made, because, under the revised constitution of the State, the people would be called upon in the approaching autumn to choose his successor. In Arkansas also, the Government, with Isaac Murphy at its head, was now recognized; and in Tennessee the authority of William G. Brownlow as governor was promptly accepted as constitutional and regular. This Government, as already

narrated, had been brought into existence by the earnest effort of Mr. Johnson in the period which had elapsed between his election and inauguration as Vice-President. The direct committal of the President to the legality of his own work was the controlling cause which led to the recognition of the Governments of the four States under consideration. But for the impossibility of disowning or in any way discrediting the existing Government of Tennessee, it is probable that the plan by which provisional governments were established in seven of the rebellious States would have been uniformly applied to the entire eleven which formed the Confederacy. The same executives would doubtless have been selected for provisional service, but there would have been evident advantage in treating all the States in precisely the same manner.

The scope and design of the President's reconstruction policy were thus made fully apparent. The work was committed to the white men of the several States, who, outside of the excepted classes, were ready to take the oath of allegiance to the Government. They were empowered to form the Convention which should shape the organic law of the State, and in that law they were authorized to establish the basis of suffrage, — a right which the President held to belong to the State, to be, indeed, inalienable from the State. It was, therefore, evident that the white men who were allowed to regain all the rights of citizenship by a mere oath of fidelity would not, in framing an organic law for the State, exclude the classes whom the President had excepted from pardon. The excluded classes had been the leaders, the commanders, the men of position, the friends and the patrons of those who, only less guilty because less influential and powerful, were now intrusted with the initial work in the re-establishment of civil Government in their respective States.

It was not a possible supposition that these men, when they assembled in convention, would exclude the entire leading class of the South, or even one member of it, from the full constitutional privileges and benefits of the civil Government they were about to re-organize. The suffrage conferred on others would, in like manner, be conferred on them: the offices of rank and emolument in the new Government would likewise be open to them, and it would thus be made evident that the President's exclusion of these classes was merely an inhibition from doing a preliminary work which others would do equally well for them. Unless, therefore, some other form

of denial or exclusion should be announced, — and none other apparently was intended, — the President's policy would end in promptly handing over to the authors and designers of the Rebellion the complete control of the States whose civil power they had willfully perverted and turned against the National authority. Mr. Seward's magnanimity, his boundless confidence in human nature, had led him to believe that this was wise policy. He believed it so firmly that he had persuaded the President — against his own will and purpose — to adopt it, and to attempt its enforcement.

It soon became evident that President Johnson realized how completely he had excluded men of the colored race from any share of political power in the Southern States by his process of reconstruction. It is true that he stood loyally by the Thirteenth Amendment to the Constitution, which had been submitted by Congress before his accession to the Presidency but had not yet been ratified by the States. He used his influence, which was commanding, to induce the Southern States to accept it in good faith. But he saw, as others had seen before him, that this was not going far enough to satisfy the reasonable desire of many in the North whom he felt it necessary to conciliate. To emancipate the negro and concede to him no possible power wherewith to protect his freedom would, in the judgment of many Northern philanthropists, prove the merest mockery of justice. This sentiment wrought on Mr. Johnson so powerfully that against his own wish he was compelled to address a circular to his provisional governors, suggesting that the elective franchise should be extended to all persons of color "who can read the Constitution of the United States, and write their names, and also to those who own real estate valued at not less than two hundred and fifty dollars, and pay taxes thereon."

In writing to Governor Sharkey of Mississippi in relation to this subject the President argued that his recommendations touching colored suffrage could be adopted "with perfect safety," and that thereby "the Southern States would be placed, with reference to free persons of color, upon the same basis with the free States." That Mr. Johnson made this recommendation simply from policy and not from any proper conception of its inherent justice is indicated by the closing paragraph in his letter to Governor Sharkey. Indeed, by imprudent language the President made an unnecessary exposure of the character of his motives, and deprived himself of much of the credit which might otherwise have belonged to him. "I hope and

trust," he wrote to his Mississippi governor, "that your convention will do this, and as a consequence the Radicals, who are wild upon negro franchise, will be completely foiled in their attempt to keep the Southern States from renewing their relations to the Union by not accepting their senators and representatives."

At this period the President did not contemplate a break with the Republican party, much less a coalition with its opponents. He had the vanity to believe, or was at least under the delusion of believing that — with the exception of those whom he denominated Radicals — he could induce the party to follow him. Mr. Seward had undoubtedly influenced him to this conclusion, as the Secretary of State indulged the same hopeful anticipation himself. The President seemed to have no comprehension of the fact that with inconsiderable exceptions the entire party was composed of Radicals, men who in aim and sympathy were hostile to the purposes indicated by his policy. His own radicalism, from which Mr. Seward had succeeded in turning him, was the radicalism of revenge upon the authors of the Rebellion. The radicalism to which he now contemptuously indicated his opposition was that which looked to the broadening of human rights, to philanthropy, to charity, and to good deeds. Every intelligent Republican saw that the attempt which the President was now making with his provisional governors to secure a partial franchise to the colored man, was really only a petition to the States to act in a certain manner upon a subject over which, by his own proclamation, their power of control was declared to be absolute. With the prejudices which inspired the South, — prejudices made still more intense by the victory of the Union, — it was altogether certain that the Southern Conventions would not extend the elective franchise or civil right of any kind to the colored men of any class. The Southern States would undoubtedly agree *pro forma* to the Thirteenth Amendment as a means of regaining their representation in Congress. Beyond that, so long as the National Government conceded their right of control, it was probable that every step which did not conflict with the Constitution and Laws of the United States would be taken by the Southern States to deprive the negro of all power or opportunity for advancement. Mr. Seward, by the generous instinct of his own philanthropy, believed all things for the Union, which had been regenerated by the emancipation of the slave, and hoped all things for the Southern people, who had been chastened by defeat. His philanthropy taught him a faith in others as strong

as his own consciousness of right; and, by assuming the full responsibility of the President's position, he brought to its support thousands of advocates who, but for his personal influence and persuasive power, would have opposed and spurned it.

The whole scheme of reconstruction, as originated by Mr. Seward and adopted by the President, was in operation by the middle of July, three months after the assassination of Mr. Lincoln. Every step taken was watched with the deepest solicitude by the loyal people. The rapid and thorough change in the President's position was clearly discerned and fully appreciated. His course of procedure was dividing the Republican party, and already encouraging the hopes of those in the North who had been the steady opponents of Mr. Lincoln's war policy, and of those in the South who had sought for four years to destroy the Great Republic. It soon became evident that the Northern Democrats who had been opposed to the war, and the Southern Democrats who had been defeated in the war, would unite in political action, and that the course of the National Administration would exercise a potential influence upon their success or their failure. In turn, the course of the National Administration would certainly be influenced, and its fate in large degree determined, by the conduct of the Southern men, in whom the President was placing unbounded trust. Public interest was therefore transferred for the time from the acts of the President at the National Capital to the acts of the Reconstruction conventions about to assemble in the Southern States.

CHAPTER V.

Great Opportunity given to the South. — Their Response to the President's Treatment. — Northern Desire for Restoration of the Union. — South does not respond to it. — Southern Reconstruction Conventions. — Incomplete and Ill-digested Proceedings. — Rebels apply for Seats in Congress. — Iron-clad Oath in their Way. — They denounce it as Unconstitutional. — Course of Alexander H. Stephens. — Southern Feeling towards the Union. — Their Conventions exhibit Hatred. — Hostile Manifestations. — Expressions of Press and Stump Orators. — Leading Rebels nominated for Office.

South described by Mr. Fessenden's Committee. — South misled by Northern Democracy in 1865. — Former Calamity from Same Cause in 1861. — What Congress would demand of the South. — Three Indispensable Requirements. — Southern Legislatures defiantly resist. — Character of those Legislatures. — Practical Re-enactment of the Slave-code. — Cruelty of Alabama Statutes. — Fraudulent in their Nature. — Course of the City of Mobile. — Statutes of Florida still worse. — Unfair Taxation. — Poll-tax of Three Dollars. — A Lien upon the Negro's Labor. — Oppression of the Negro. — Enactments in South Carolina. — Characterized by Rank Injustice. — Penal Enactments in Mississippi. — Atrocious Provisions. — Laws of Louisiana worst of All. — Capitation Tax in the South. — Its Unjust Effect. — School Laws. — Education practically denied to the Negro. — He is taxed for the Education of the Whites. — Disproportion of Burdens placed upon him. — Review of the Black Code. — Some Details of its Provisions. — Incredibly Cruel. — The South without Excuse for its Enactment. — Their Determination to vindicate Slavery. — To bring Reproach on the North. — Influence of these Proceedings on Mr. Seward. — His Mode of Self-justification. — Severely censured by his Old Supporters. — Misled by the Course of Events. — His Loss of Popularity.

A GREAT opportunity was now given to the South. It was given especially to the leading men of the South. Only a few weeks before, they had all been expecting harsh treatment, many, indeed, anticipated punishment, not a few were dejectedly looking forward to a life of exile and want. The President's policy, which had been framed for him by Mr. Seward, changed all this. Confidence took the place of apprehension, the fear of punishment was removed, those who conscious of guilt had been dreading expatriation were bidden by the supreme authority of the Nation to stay in their own homes, and to assist in building up the waste and desolate places.

Never in the history of the world had so mighty a rebellion been subdued. Never had any rebellion been followed by treatment so lenient, forgiving, and generous on the part of the triumphant Government. The great mass of those who had resisted the National authority were restored to all their rights of citizenship by the simple taking of an oath of future loyalty, and those excepted from immediate re-instatement were promised full forgiveness on the slightest exhibition of repentance and good works. Mr. Seward believed, and had induced the President to believe, that frank and open generosity on the part of the Government would be responded to in like spirit on the part of those who had just emerged from rebellion. The Administration, therefore, waited with confidence for its justification, which could be made complete only by the display of a manly appreciation and noble course on the part of those who had participated in the Rebellion.

The desire for a complete restoration of all the States to their normal position, as pictured so attractively by Mr. Seward, was general and deep throughout the North. The policy of the President was therefore essentially aided by the patriotic and ardent love for the Union, — a love always present with the loyal people of the free States, but developed in an extraordinary degree by the costly struggle which the slaveholders' rebellion had precipitated. If the Southern States should meet the overture of the Administration in the spirit in which it was made, the probability was decidedly in favor of their restoration to their old places without condition, without promise, without sacrifice. Observing men in the loyal States regarded such a policy not only as weak and maudlin, but as utterly insufficient and assuredly dangerous to the future safety of the Government. But they realized at the same time that the most important demands of far-seeing statesmanship and of true patriotism might be disregarded, and even contemned, by a wild, unreasoning wish of the people to see the old Government, in all its parts, promptly and fully re-established. The popular cry which demanded "the Union as it was, the Constitution as it is," was echoed by many from emotional love of country, and by many more from a conviction that the financial interests of the Government and the commercial interests of the people called for the speediest settlement of all political questions. The Administration believed, and with good reason, that the combined influence of sentiment for the Union and the supposed necessities of trade would overcome all obstacles, and

that the rebellious States would be so promptly and completely reconstructed that their senators and representatives would be admitted at the beginning of the next session of Congress.

In forming an estimate of the probable response of the South to the plan of reconstruction now submitted, the Administration was certainly justified in believing that its own spirit of liberality and good will would be met with like spirit by those who, having failed in war, were specially interested in promptly securing all the conditions of a magnanimous peace. It could not anticipate that quibbles would be made by the defeated and lately suppliant parties, that captious objections would be interposed, that carping criticism would be indulged, that gross outrages would be perpetrated, that absurd conditions would be demanded, and that finally a postponement of the whole procedure would be hazarded, indeed its utter failure secured, by the lack of tact, by the willfulness, and by the apparent ignorance of the Southern men who were in control.

The kindness, consideration, gentleness of Mr. Seward's recommendations, instead of securing a return of like feeling, seemed rather to inflame the misjudging men of the South with a new sense of resentment. Instead of calling forth the natural and proper response, it appeared rather to impress them afresh with that vain imagination of Northern timidity which had always been the besetting weakness of the South. It seemed impossible at the time, it seems even more plainly impossible on a review of the facts after the lapse of years, that any body of reasonable men could behave with the ineffable folly that marked the proceedings of the Reconstruction Conventions in the South, and the still greater folly that governed the succeeding Legislatures of the lately rebellious States.

In the President's proclamation accompanying the appointment of provisional governors he had taken the ground that "the Rebellion, in its revolutionary progress, has deprived the people (of the revolting States) of all civil Government." It is evident, therefore, that the President — eager and even impatient as he was for the process of reconstruction to be completed — expected that a new Government would be built on the full recognition of the new order of things, casting behind all that pertained to the old, or had the spirit of the old. "No man putteth a piece of new cloth unto an old garment, for that which is put in to fill it up taketh from the garment, and the rent is made worse." This Scripture was exactly applicable to the Southern Conventions which assembled for reconstruction.

They could begin anew with organic laws adapted to the great revolution which had swept over them, or they could patch up the old constitutions now become indissolubly associated with a Rebellion which had been fostered and protected under their provisions. In every State the Southern leaders chose the latter form of procedure. They assumed that the old constitutions were still in full force and vigor, and they made only such amendments to them as would in their judgment promptly insure to their States the right of representation in Congress. They did not even stop to submit these changes to the popular vote, but assumed for their own assemblage of oligarchs the full power to modify the organic laws of their States — an assumption without precedent and without repetition in the history of State constitutions in this country, and utterly subversive of the fundamental idea of Republican Government.

With these incomplete and ill-digested changes in the organic laws of their respective States, the Reconstruction Conventions usurped legislative power, and hastily proceeded to order the election of representatives in Congress. The Congressional elections proved to be little else than partisan assemblages under the dictatorial direction of rebel authorities — just as the Reconstruction Conventions were, in their membership and their organization, little else than consulting bodies of Confederate officers under the rank of brigadier-general, actually sitting throughout their deliberations in the uniform of the rebel service, and apparently dictating to the Government of the Union the grounds on which they would consent to resume representation in the National Congress. A joint committee of Congress subsequently commented with appropriate directness upon this offensive phase of the Southern Conventions. "Hardly is the war closed," said the committee, "before the people of the insurrectionary States come forward and haughtily claim, as a right, the privilege of participating at once in that Government which they have for four years been fighting to overthrow. Allowed and encouraged by the Executive to organize State Governments, they at once placed in power leading rebels, unrepentant and unpardoned, excluding with contempt those who had manifested an attachment to the Union, and preferring in many instances those who had rendered themselves peculiarly obnoxious. In the face of the law requiring an oath that would necessarily exclude all such men from Federal offices, they have elected, with very few exceptions, as senators and representatives in Congress, the very men who have actively

participated in the Rebellion, insultingly denouncing the law as unconstitutional."

The oath referred to in the foregoing extract from the committee's report is that popularly known as the "Ironclad oath," prescribed by the Act of July 2, 1862, to be taken by every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the public service, the President alone excepted. The officer, before entering upon his duties or receiving any emolument, was compelled to swear that he had "never voluntarily borne arms against the United States;" that he had "voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility to the National Government;" that he had "neither sought nor accepted nor attempted to exercise the functions of any office whatever under authority or pretended authority in hostility to the United States;" that he had "never yielded a voluntary support to any pretended Government within the United States, hostile or inimical thereto." Of course the men who had been waging war against the Government could not take this oath except by committing perjury and risking its pains and penalties. But nothing daunted by the existence of this obstacle at the threshold of public service, the most notorious rebels sought election to the Senate and House, boasting that they would prove the unconstitutionality of the Ironclad oath, and demand their seats.

Alexander H. Stephens "had the assurance," as the committee already quoted declared, "with that oath staring him in the face, to lay his credentials on the table of the Senate as a senator-elect from Georgia." When Congress adjourned, March 3, 1865, Mr. Stephens was acting as the Vice-President of the rebel Confederacy. Six weeks later the Confederacy was destroyed, and with a political agility unparalleled, with a degree of presumption unprecedented, Mr. Stephens secured an election to the Senate, and was in Washington at the ensuing session of Congress, asking admission to a seat as coolly as if every living man had forgotten that for four years he had been exerting his utmost effort to destroy the Constitution under which he now claimed the full rights of a citizen. In his astounding effrontery Mr. Stephens even went so far as to insist on interpreting to those loyal men, who had been conducting the Government of the United States through all its perils, the Constitution under which they had been acting, and to point out how they were depriving him of his

rights by demanding an oath of loyalty and good faith as the condition on which he should be entitled to take part in legislating for the restored Union. The same committee, worthy at all times to be cited, declared further, that "Other rebels of scarcely less note and notoriety than Mr. Stephens were selected from other quarters. Professing no repentance, glorying apparently in the crime they had committed, avowing still, as the uncontradicted testimony of Mr. Stephens and many others proves, an adherence to the pernicious doctrine of secession, and declaring that they yielded only to necessity, they insist with unanimous voice upon their rights as States, and proclaim that they will submit to no conditions whatever as preliminary to their resumption of power under that Constitution *which they still claim the right to repudiate*."

Not only were the official acts of the Southern Conventions inspired by a spirit of apparently irreconcilable hatred of the Union, but the popular manifestations in the South were far more decided in the same direction. A sense of official propriety, no doubt, in some degree governed the conduct and modified the language of the members of the conventions. It was left to the press and the stump-orators of the South to give full expression to what they knew to be the ruling sentiment of the people. The report of the Congressional Committee, whose members had closely investigated all the facts, stated that "the Southern press, with few exceptions, abounds with weekly and daily abuse of the institutions and people of the loyal States; defends the men who led, and the principles which incited, the Rebellion; denounces and reviles Southern men who adhered to the Union; and strives constantly and unscrupulously, by every means in its power, to keep alive the fire and hate and discord between the sections; calling upon the President to violate his oath of office, overturn the Government by force of arms, and drive the representatives of the people from their seats in Congress. The National banner is openly insulted and the National airs scoffed at, not only by an ignorant populace, but at public meetings, and once, among other notable instances, at a dinner given in honor of a notorious rebel, who had violated his oath and abandoned his flag. The same individual is elected to an important office in the leading city of his State, although an unpardoned rebel, and so offensive that the President refuses to allow him to enter upon his official duties. In another State the leading general of the rebel armies is openly nominated for governor by the House of Delegates, and the nomination

is hailed by the people with shouts of satisfaction and openly indorsed by the press."

These representations of the prevailing spirit in the South and of the conduct of Southern men were not the loose and exaggerated statements of Northern partisans put forth to influence political opinion in the loyal States. They were the deliberate and conscientious statements of an eminent committee of the two Houses of Congress, of which Senator Fessenden of Maine was chairman. The quotations already made are from the same official report — a report based upon exhaustive testimony and prepared with scrupulous care. In that report, which is to be taken as an absolutely truthful picture of the Southern States at the time, it is averred that "witnesses of the highest character testify that, without the protection of United-States troops, Union men, whether of Northern or Southern origin, would be obliged to abandon their homes. The feeling in many portions of the country towards the emancipated slaves, especially among the ignorant and uneducated, is one of vindictive and malicious hatred. The deep-seated prejudice against color is assiduously cultivated by the public journals and leads to acts of cruelty, oppression, and murder, which the local authorities are at no pains to prevent or punish."

It was further declared by Mr. Fessenden's committee "that the evidence of an intense hostility to the Federal Union, and an equally intense love for the late Confederacy, nurtured by the war, is decisive. While it appears that nearly all are willing to submit, at least for the time being, to the Federal authority, it is equally clear that the ruling motive is a desire to obtain the advantages which will be derived from a representation in Congress." It was also proved before the committee, on the testimony, or rather the admissions, of witnesses who had been prominent in the Rebellion, that "the generally prevailing opinion in the late Confederacy defends the legal right of secession and upholds the doctrine that the first allegiance of the people is due to the States and not to the United States." It was further admitted by the same class of witnesses that "the taxes levied by the United States will be paid only on compulsion and with great reluctance," and that "the people of the rebellious States would, if they could see a prospect of success, repudiate the National debt." It was stated by witnesses from the South, with evident pride, that "officers of the Union Army, on duty in the South, and Northern men who go there to engage in business, are generally detested and

proscribed," and that "Southern men who adhered to the Union are bitterly hated and relentlessly persecuted."

Upon the conclusion of the work of the respective conventions, the election of State Legislatures and of senators and representatives in Congress followed as promptly as was practicable in the several States. The Legislatures were all in session before the close of the year 1865, and their proceedings startled the country. If any need existed for proof of the spirit that animated the conventions, or of the ends to which they had directed their work, it was furnished in full by the action of the Legislatures. Indeed, when the latter bodies assembled, they were inspired with a fresh accession of courage and daring, imparted by the example of the former and the apparent acquiescence of the North in their proceedings. The period between the adjournment of the conventions and the assembling of the Legislatures was so short that there was no time for the maturing of public opinion in the North, and still less for bringing it to bear in any way upon Southern action. It is, moreover, doubtful whether any representation, however strong, from the North, would have exerted the slightest influence in holding the South back from its mad course. Emboldened by the support of the National Administration, the Southern leaders believed that they could carry their designs through, and, instead of being restrained by the protest or the advice of Republicans, they chose with apparent gladness the course that would prove most offensive to them. It would indeed, according to their own boasts, add a peculiar gratification to their anticipated triumph if they could feel assured that it would bring chagrin or a sense of humiliation to the Republican masses of the loyal States.

At this critical period it was the ill fortune of the South to be misled by the Democratic press and the Democratic orators of the North, as it had been before on perilous occasions. The South had been induced by the same press and the same orators to believe, in the winter of 1860–61, that efforts at secession would not be resisted by arms. Many Northern Democrats had indeed given the assurance that if any attempt at coercion should be made by the Republican National Administration, they would themselves meet it with force, and that, if war should come, it would be in the free States and not in the slave States. The South, in 1865, had apparently

forgotten these baseless assurances; they had forgotten that, in the hour of conflict, the Democrats who did not become loyal, at once became silent, and that the few — scattering exceptions to a general rule — who were demonstrative and loud in their sympathy for the rebels were compelled to flee or accept imprisonment in Fort Lafayette. They seemed again ready and eager to believe all the unsupported assertions which the Northern Democrats, in a spirit of effrontery and not without gasconade, ventured to put forth. It might be difficult to determine which displayed the greater folly — those who made false representations, or those who, warned by previous deception, appeared so ready to be influenced anew by deception equally gross.

The truth was that the Republicans of the North, constituting, as was shown by the elections of 1865, a majority in every State, were deeply concerned as to the fate and fortune of the colored population of the South. Only a minority of Republicans were ready to demand suffrage for those who had been recently emancipated, and who, from the ignorance peculiar to servitude, were presumably unfit to be intrusted with the elective franchise. The minority, however, was composed of very earnest men of the same type as those who originally created and combined the anti-slavery sentiment of the country, and who now espoused the right of the negro to equality before the law. Equality, they believed, could neither be conferred nor maintained unless the negro were invested with the badge of American manhood — the right to vote — a right which they were determined to guarantee as firmly to the colored man as it was already guaranteed to the white man.

The great mass of the Republicans stopped short of the demand for the conferment of suffrage on the negro. That privilege was, indeed, still denied him in a majority of the loyal States, and it seemed illogical and unwarrantable to expect a more advanced philanthropy, a higher sense of justice, from the South than had been yet attained by the North. But without raising the question of suffrage, there were rights with which the negro must be endowed before he could essentially better his material condition or advance in knowledge. It was, first of all, required that he should have the full protection of the law of marriage, of which he had always been deprived, and that with the privilege he should be subjected to the honest observance of the obligations which marriage imposes — to the end that good morals should be inculcated, and that every child

should have a responsible father. It was, in the second place, in the highest degree necessary that he should have the benefit of such laws as would assure to him the wages of his labor and confer upon him the right to acquire and hold real estate and other property, with the same security and protection enjoyed by the whites. In the third place, it was imperatively demanded that some provision be made for the rudimentary instruction of colored children, in order that they might learn the mechanical arts and have the privilege of working at such callings as were best adapted to them. The list of requirements might be enlarged, but the three which are given represent primary and indisputable necessities, without the concession and free establishment of which the negro, with nominal freedom, would be in a worse condition than if he had been left in slavery.

In view of these facts, the course of the newly organized Legislatures was watched with deep and jealous interest. It was in their power to repair, in large degree, the blunders of policy — nay, the crimes against human rights — which the Reconstruction Conventions had abetted if not committed. The membership of the Legislatures in all the States was composed wholly of those who, either in the military or civil service, had aided the Rebellion. If in such an organization a spirit of moderation and justice should be shown, if consideration should be exhibited for the negro, even so far as to assure to him the inherent rights of human nature, a deep impression would be made on the conscience and the public opinion of the North. Such a course in the South might, indeed, open the way for the success of the simple and speedy process of reconstruction, upon which Mr. Seward had staked his reputation as a statesman, and to which Mr. Johnson had pledged the power and committed the fortunes of his Administration.

As soon as the Southern Legislatures assembled, it was made evident that their members disregarded, and even derided, the opinion of those who had conquered the Rebellion and held control of the Congress of the United States. If the Southern men had intended, as their one special and desirable aim, to inflame the public opinion of the North against them, they would have proceeded precisely as they did. They treated the negro, according to a vicious phrase which had at one time wide currency, "as possessing no rights which a white man was bound to respect." Assent to the Thirteenth Amendment to the Constitution by the Southern States was but a

gross deception so long as they accompanied it with legislation which practically deprived the negro of every trace of liberty. That which was no offense in a white man was made a misdemeanor, a heinous crime, if committed by a negro. Both in the civil and criminal code his treatment was different from that to which the white man was subjected. He was compelled to work under a series of labor laws applicable only to his own race. The laws of vagrancy were so changed as, in many of their provisions, to apply only to him, and under their operation all freedom of movement and transit was denied. The liberty to sell his time at a fair market rate was destroyed by the interposition of apprentice laws. Avenues of usefulness and skill in which he might specially excel were closed against him lest he should compete with white men. In short his liberty in all directions was so curtailed that it was a bitter mockery to refer to him in the statutes as a "freedman." The truth was, that his liberty was merely of form and not of fact, and the slavery which was abolished by the organic law of a Nation was now to be revived by the enactments of a State.

Some of these enactments were peculiarly offensive, not to say atrocious. In Alabama, which might indeed serve as an example for the other rebellious States, "stubborn or refractory servants" and "servants who loiter away their time" were declared by law to be "vagrants," and might be brought before a justice of the peace and fined fifty dollars; and in default of payment they might be "hired out," on three days' notice by public outcry, for the period of "six months." No fair man could fail to see that the whole effect, and presumably the direct intent, of this law was to reduce the helpless negro to slavery for half the year—a punishment that could be repeated whenever desired, a punishment sure to be desired for that portion of each recurring year when his labor was specially valuable in connection with the cotton crop, while for the remainder of the time he might shift for himself. By this detestable process the "master" had the labor of the "servant" for a mere pittance; and even that pittance did not go to the servant, but was paid into the treasury of the county, and thus relieved the white men from their proper share of taxation. There may have been more cruel laws enacted, but the statute-books of the world might be searched in vain for one of meaner injustice.

The foregoing process for restoring slavery in a modified form was applicable to men or women of any age. But for "minors" a

more speedy and more sweeping method was contrived by the law-makers of Alabama, who had just given their assent to the Thirteenth Amendment to the Constitution. They made it the "duty of all sheriffs, justices of the peace, and other civil officers of the several counties," to report the "names of all minors under the age of eighteen years, whose parents have not the means or who refuse to support said minors," and thereupon it was made the duty of the Court to "apprentice said minor to some suitable person on such terms as the Court may direct." Then follows a suggestive *proviso* directing that "if said minor be the child of a freedman" (as if any other class were really referred to!), "the *former owner* of said minor shall have the preference;" and "the judge of probate shall make a record of all the proceedings," for which he should be entitled to a fee of one dollar in each case, to be paid, as this atrocious law directed, by "the master or mistress." To tighten the grasp of ownership on the minor who was now styled an apprentice, it was enacted in almost the precise phrase of the old slave-code that "whoever shall entice said apprentice from his master or mistress, or furnish food or clothing to him or her, without said consent, shall be fined in a sum not exceeding five hundred dollars."

The ingenuity of Alabama legislators in contriving schemes to re-enslave the negroes was not exhausted by the odious and comprehensive statutes already cited. They passed an Act to incorporate the city of Mobile, substituting a new charter for the old one. The city had suffered much from the suspension and decay of trade during the war, and it was in great need of labor to make repairs to streets, culverts, sewers, wharves, and all other public property. By the new charter, the mayor, aldermen, and common council were empowered "to cause all vagrants," . . . "all such as have no visible means of support," . . . "all who can show no reasonable cause of employment or business in the city," . . . "all who have no fixed residence or cannot give a good account of themselves," . . . "or are loitering in or about tippling-houses," "to give security for their good behavior for a reasonable time and to indemnify the city against any charge for their support, and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding six calendar months, which said labor shall be designated by the said mayor, aldermen, and common council, for the benefit of said city."

It will be observed even by the least intelligent that the charge

made in this city ordinance was, in substance, the poverty of the classes quoted — a poverty which was of course the inevitable result of slavery. To make the punishment for no crime effective, the city government was empowered "to appoint a person or persons to take those sentenced to labor from their place of confinement to the place appointed for their working, and to watch them while at labor and return them before sundown to their place of confinement; and, if they shall be found afterwards offending, such security may again be required, and for want thereof the like proceeding may again be had from time to time, as often as may be necessary." The plain meaning of all this was, that these helpless and ignorant men, having been robbed all their lives of the fruit of their labor by slavery, and being necessarily and in consequence poor, must be punished for it by being robbed again of all they had honestly earned. If they stubbornly continued in their poverty, the like proceeding (of depriving them of the fruits of their labor) "may again be had from time to time, as often as may be necessary." It would, of course, be found "necessary" just so long as the city of Mobile was in need of their labor without paying for it.

It has been abundantly substantiated, by impartial evidence, that when these grievous outrages were committed under the forms of law, by the joint authority of the Alabama Legislature and the city government of Mobile, the labor of thousands of willing men could be hired for the low wages of twenty-five cents per day, with an allowance of a peck of corn-meal and four pounds of bacon for each man per week. It does not change the character of the crime against these humble laborers, but it certainly enhances its degree that the law-makers of Alabama preferred an oppressive fraud to the honest payment of a consideration so small as to be almost nominal. A man must be in abject poverty when he is willing to work an entire week for a sum usually accorded in the Northern States for the labor of one day. But only a community blind to public justice and to public decency as well, could enact a law that in effect declares the poverty of the laborer to be a crime, in consideration of which he shall be deprived of the beggarly mite for which he is willing to give the sweat of his face.

Apparently fearing that the operations of the law already referred to would not secure a sufficient number of laborers for the work required in the city, the law-makers of Alabama authorized the municipal government of Mobile to "restrain and prohibit the

nightly and other meetings or disorderly assemblies of all persons, and to punish for such offenses by affixing penalties not exceeding fifty dollars for any one offense; and in case of the inability of any such person to pay and satisfy said fine or penalty and the cost thereof, to sentence such person to labor for said city for such reasonable time, not exceeding six calendar months, for any one offense, as may be deemed equivalent to such penalty and costs, which labor shall be such as may be designated by the mayor, aldermen, and common councilmen of the city."

Power was thus given to consider any evening meeting of colored persons a disorderly one, and to arrest all who were participating in it. Nothing was more natural than that the negroes, with their social and even gregarious habits, should, in their new estate of freedom, be disposed to assemble for the purpose of considering their own interests and their future prospects. It is eminently to the discredit of the State of Alabama and of the city of Mobile that so innocent a purpose should be thwarted, perverted, made criminal and punished.

The fact will not escape attention that in these enactments the words "master," "mistress," and "servant" are constantly used, and that under the operation of the laws a form of servitude was re-established, more heartless and more cruel than the slavery which had been abolished. Under the institution of slavery a certain attachment would spring up between the master and his slave, and with it came a certain protection to the latter against want and against suffering in his old age. With all its wrongfulness and its many cruelties, there were ameliorations in the slave system which softened its asperities and enabled vast numbers of people possessing conscience and character to assume the relation of master. But in the treatment of the colored man, now proposed, there was absolute heartlessness and rank injustice. It was proposed to punish him for no crime, to declare the laborer not worthy of his hire, to leave him friendless and forlorn, without sympathy, without rights under the law, socially an outcast and industrially a serf — a serf who had no connection with the land he tilled, and who had none of the protection which even the Autocracy of Russia extended to the lowliest creature that acknowledged the sovereignty of the Czar.

These laws were framed with malignant cunning so as not to be limited in specific form of words to the negro race, but they were exclusively confined to that race in their execution. It is barely

possible that a white vagrant of exceptional depravity might, now and then, be arrested; but the negro was arrested by wholesale on a charge of vagrancy which rested on no foundation except an arbitrary law specially enacted to fit his case. Loitering around tippling-shops, one of the offenses enumerated, was in far larger proportion the habit of white men, but they were left untouched and the negro alone was arrested and punished. In the entire code this deceptive form, of apparently including all persons, was a signally dishonest feature. The makers of the law evidently intended that it should apply to the negro alone, for it was administered on that basis with rigorous severity. The general phrasing was to deceive people outside, and, perhaps, to lull the consciences of some objectors at home, but it made no difference whatever in the execution of the statutes. White men, who had no more visible means of support than the negro, were left undisturbed, while the negro, whose visible means of support were in his strong arms and his willingness to work, was prevented from using the resources conferred upon him by nature, and reduced not merely to the condition of a slave, but subjected to the demoralization of being adjudged a criminal.

In Florida the laws resembled those of Alabama, but were perhaps more severe in their penalties. The "vagrant" there might be hired out for full twelve months, and the money arising from his labor, in case the man had no wife and children, was directed to be applied for "the benefit of the orphans and poor of the county," although the negro had been declared a vagrant because he had no visible means of support, and was therefore quite as much in need of the avails of his labor as those to whom the law diverted them. Among the curious enactments of that State was one to establish and organize a criminal court for each county, empowered to exercise jurisdiction in the trial of all offenses where the punishment did not affect the life of the offender. It is obvious that the law was originated mainly for the punishment of negroes; and to expedite its work it was enacted that "in the proceedings of said court, no presentment, indictment, or written pleading shall be required, but it shall be sufficient to put the party accused upon his or her trial, that the offense and facts are plainly set forth with reasonable certainty in the warrant of arrest." It was further provided that where fines were imposed and the party was unable to pay them, "the county commissioner may hire out, at public outcry, the said party to any person who will take him or her for the shortest time, and

pay the fine imposed and the cost of prosecution." The fines thus paid went in the county treasury for the general expenses of the county. The law was thus cunningly contrived to hurry the negro into an odious form of slavery, and to make the earnings which came from his hard labor pay the public expenses, which were legitimately chargeable upon the property of the county.

Accompanying the Act establishing this court was a law prescribing additional penalties for the commission of offenses against the State; and this, like the former, was framed especially for the negro. Its first section provided that where punishment of an offense had hitherto been limited to fine or imprisonment, there should be superadded, as an alternative, the punishment of standing in the pillory for one hour, or whipping, not exceeding thirty-nine lashes, on the bare back. The latter punishment was reserved expressly for the negro. It was provided further that it "shall not be lawful for any negro, mulatto, or person of color to own, use, or keep any bowie-knife, dirk, sword, fire-arms, or ammunition of any kind, unless he first obtain a license to do so from the judge of probate for the county in which he is a resident." The judge could issue the license to him only upon recommendation of two respectable white men. Any negro attempting to keep arms of any kind was to be deemed guilty of a misdemeanor, compelled to "forfeit the arms for the use of the informer, stand in the pillory" (and be pelted by the mob) "for one hour, and then whipped with thirty-nine lashes on the bare back." The same penalty was prescribed for any person of color "who shall intrude himself into any religious or other public assembly of white persons, or into any railroad-car or other vehicle set apart for the accommodation of white persons," and with a mock show of impartiality it was provided that a white man intruding himself into an assembly of negroes, or into a negro-car, might be subjected to a like punishment. This restriction upon the negro was far more severe than that imposed in the days of slavery, when, in many of the Southern States, the gallery of the church was permitted to be freely occupied by them. A peculiarly atrocious discrimination against the negro was included in the sixth section of the law from which these quotations are made. It was provided therein that "if any person or persons shall assault a white female with intent to commit rape, or be accessory thereto, he or they, upon conviction, shall suffer death;" but there was no prohibition and no penalty prescribed for the same crime against a negro woman. She

was left unprotected by law against the brutal lust and the violence of white men.

In the laws of South Carolina the oppression and injustice towards the negro were conspicuously marked. The restriction as to fire-arms, which was general to all the States, was especially severe. A negro found with any kind of weapon in his possession was punished by "a fine equal to twice the value of the weapon so unlawfully kept, and, if that be not immediately paid, by corporal punishment." Perhaps the most radically unjust of all the statutes was reserved for this State. The Legislature enacted that "no person of color shall pursue the practice, art, trade, or business of an artisan, mechanic, or shopkeeper, or any other trade or employment besides that of husbandry, or that of a servant under contract for labor, until he shall have obtained a license from the judge of the District Court, which license shall be good for one year only." If the license was granted to the negro to be a shopkeeper or peddler, he was compelled to pay a hundred dollars a year for it; and if he wished to pursue the rudest mechanical calling, he was compelled to pay a license-fee of ten dollars. No such fees were exacted of white men, and no such fees were exacted of the free black man during the era of slavery. Every avenue for improvement was closed against him; and in a State which boasted somewhat indelicately of its chivalric dignity, the negro was mercilessly excluded from all chances to better his condition individually, or to improve the character of his race.

Mississippi followed in the general line of penal enactments prescribed in South Carolina, though her code was possibly somewhat less severe in the deprivations to which the negro was subjected. It was, however, bad enough to stir the indignation of every lover of justice. The Legislature had enacted a law that "if the laborer shall quit the service of the employer before the expiration of his term of service without just cause, he shall forfeit his wages for that year up to the time of quitting." Practically the negro was himself never permitted to judge whether the cause which drove him to seek employment elsewhere was just, the white man being the sole arbiter in the premises. It was provided that "every civil officer shall, and every person may, arrest and carry back to his or her legal employer any freedman, free negro or mulatto, who shall have quit the service of his or her employer before the expiration of his term of service without good cause, and said officer shall be entitled to receive for arresting and carrying back every deserting employee aforesaid the

sum of five dollars, and ten cents per mile from the place of arrest to the place of delivery, and these sums shall be held by the employer as a set-off for so much against the wages of said deserting employee; *provided* that said arrested party, after being so returned home, may appeal to a justice of the peace, or a member of the Board of Police, who shall summarily try whether said appellant is legally employed by the alleged employer."

It requires little familiarity with Southern administration of justice between a white man and a negro to know that such appeal was always worse than fruitless, and that its only effect, if attempted, would be to secure even harsher treatment than if the appeal had not been made. The provisions for enticing a negro from his employer, included in this Act, were in the same spirit and almost in the same language as the provisions of the slave-code applicable to the negro before the era of emancipation. The person "giving or selling to any deserting freedman, free negro or mulatto, any food, raiment, or other things, shall be guilty of a misdemeanor," and might be punished by a fine of two hundred dollars and costs, or he might be put into prison, and be also sued by the employer for damages. For attempting to entice any freedman or free negro beyond the limits of the State, the person offending might be fined five hundred dollars; and if not immediately paid, the court could sentence the delinquent to imprisonment in the county jail for six months. The entire code of Mississippi for freedmen was in the spirit of the laws quoted. Justice was defied, and injustice incorporated as the very spirit of the laws. It was altogether a shameless proclamation of indecent wrong on the part of the Legislature of Mississippi.

Louisiana probably attained the worst eminence in this vicious legislation. At the very moment when the Thirty-ninth Congress was assembling to consider the condition of the Southern States and the whole subject of their reconstruction, it was found that a bill was pending in the Legislature of Louisiana providing that "every adult freed man or woman *shall furnish themselves with a comfortable home and visible means of support within twenty days after the passage of this act*," and that "any freed man or woman failing to obtain a home and support as thus provided shall be immediately arrested by any sheriff or constable in any parish, or by the police officer in any city or town in said parish where said freedman may be, and by them delivered to the Recorder of the parish, and by him hired out, by public advertisement, to some citizen, being the highest bidder, for

the remainder of the year." And in case the laborer should leave his employer's service without his consent, "he shall be arrested and assigned to labor on some public works without compensation until his employer reclaims him." The laborers were not to be allowed to keep any live-stock, and all time spent from home without leave was to be charged against them at the rate of two dollars per day, and worked out at that rate. Many more provisions of the same general character were contained within the bill, the whole character and scope of which were forcibly set before the Senate by Mr. Wilson of Massachusetts. It was not only a proof of cruelty enacted into law, but was such a defiance to the spirit of the Emancipation amendment that it subjected the Legislature which approved the amendment and enacted these laws, to a charge of inconsistency so grave as to make the former act appear in the light of both a legal and moral fraud. It was declaring the negro to be free by one statute, and immediately proceeding to re-enslave him by another.

By a previous law Louisiana had provided that all agricultural laborers should be compelled to "make contracts for labor during the first ten days of January for the entire year." With a demonstrative show of justice it was provided that "wages due shall be a lien on the crop, one-half to be paid at times agreed by the parties, the other half to be retained until the completion of the contract; but in case of sickness of the laborer, wages for the time shall be deducted, and where the sickness is supposed to be feigned for the purpose of idleness, double the amount shall be deducted; and should the refusal to work extend beyond three days, the negro shall be forced to labor on roads, levees, and public works without pay." The master was permitted to make deductions from the laborer's wages for "injuries done to animals or agricultural implements committed to his care, or for bad or negligent work," he, of course, being the judge. "For every act of disobedience a fine of one dollar shall be imposed upon the laborer;" and among the cases deemed to be disobedience were "impudence, swearing, or using indecent language in the presence of the employer, his family, or his agent, or quarreling or fighting among one another." It has been truthfully said of this provision that the master or his agent might assail the ear with profaneness aimed at the negro man, and outrage every sense of decency in foul language addressed to the negro woman; but if one of the helpless creatures, goaded to resistance and crazed under tyranny, should answer back with impudence, or should relieve his mind with

an oath, or retort indecency upon indecency, he did so at the cost to himself of one dollar for every outburst. The agent referred to in the statute was the well-known overseer of the cotton region, who was always coarse and often brutal, sure to be profane, and scarcely knowing the border-line between ribaldry and decency. The care with which the law-makers of Louisiana provided that his delicate ears and sensitive nerves should not be offended with an oath or with an indelicate word from a negro, will be appreciated by all who have heard the crack of the whip on a Southern plantation.

The wrongs inflicted under the name of law, thus far recited, were still further aggravated in a majority of the rebellious States by the exaction of taxes from the colored men to an amount altogether disproportionate to their property. Indeed, of property they had none. Just emerging from a condition of slavery in which their labor had been constantly exacted without fee or reward of any kind, it was impossible that they could be the owners of any thing except their own bodies. Notwithstanding this fact, the negroes, *en masse*, were held to be subjects of taxation in the State Governments about to be re-organized. In Georgia, for example, a State tax of three hundred and fifty thousand dollars was levied in the first year of peace. The property of the State, even after all the ruin of the war, exceeded two hundred and fifty million dollars. This tax, therefore, amounted to less than one-seventh of one per cent upon the aggregate valuation of the State, — equal to the imposition of only a dollar and a half upon each thousand dollars of property. The Legislature of the State decreed, however, that a large proportion of this small levy should be raised by a poll-tax of a dollar per head upon every man in the State between the ages of twenty-one and sixty years. There were in Georgia at the time from eighty-five thousand to ninety thousand colored men subject to the tax: perhaps, indeed, the number reached one hundred thousand. It was thus ordained that the negroes, who had no property at all, should pay one-third as much as the white men, who had two hundred and fifty millions of property in possession. This odious and unjust tax was stringently exacted from the negro. To make sure that not one should escape, the tax was held as a lien upon his labor, and the employer was under distraint to pay it. In Alabama they levied for the same purpose two dollars on every person between the ages of eighteen and fifty, causing a still larger proportion of the total tax to fall on the negro than the Georgia law-makers deemed expedient.

Texas followed with a capitation tax of a dollar per head, while Florida levied upon every inhabitant between the ages of twenty-one and fifty-five years a capitation tax of three dollars, and upon failure or refusal to pay the same the tax-collector was "authorized and required to seize the body of the delinquent, and hire him out, after five days' public notice before the door of the Court House, to any person who will pay the said tax and the costs incident to the proceedings growing out of said arrest, for his services for the shortest period of time." As the costs as well as the capitation tax were to be worked out by the negro, it is presumable that, in the spirit of this tax-law, they were enlarged to the utmost limit that decency, according to the standard set up by this law, would permit. It is fair to presume that, in any event, the costs would not be less than the tax, and might, indeed, be double or treble that amount. As a negro could not, at that time, be hired out for more than seven dollars and a half per month, the plain inference is that for the support of the State of Florida the negro might be compelled to give one month's labor yearly. Even by the capitation tax alone, without the incident of the costs, every negro man was compelled to give the gains and profits of nearly two weeks' labor.

A poll-tax, though not necessarily limited in this manner, has usually accompanied the right of suffrage in the different States of the Union, but in the rebellious States it conferred no franchise. It might be supposed that ordinary generosity would have devoted it to the education of the ignorant class from which it was forcibly wrung, but no provision of the kind was even suggested. Indeed, in those States there was scarcely an attempt made to provide for the education of the freedmen, and the suggestions made in that direction carried with them another display of studied wrong. As an example of rank injustice the course of the Legislature of Florida may be profitably cited. That body passed an Act concerning schools for freedmen, in which the governor was authorized to appoint a superintendent of common schools for freedmen, and in each county the county commissioners were authorized to appoint assistant superintendents. These officers were directed to "establish schools for freedmen when the number of colored children in any county will warrant the same, provided" (and the proviso is one of great significance) "that the sums hereinafter authorized shall be sufficient to meet the expenses thereof." The funds provided for this seemingly philanthropic design were to be derived exclusively from a tax upon

the colored man. The law directed that all colored men between the ages of twenty-one and fifty-five years should pay annually a dollar each, to be collected at the same time and in the same manner as the three-dollar poll-tax, which should be paid into the treasury of the State for the use of the freedmen, and should constitute a fund to be denominated "the common-school fund for the education of freedmen." It was further provided in this law, that "a tuition-fee shall be collected from each pupil, under such regulations as the superintendents shall prescribe, and paid into the treasury as a portion of the common-school fund for freedmen."

The salary of the superintendents of the schools for freedmen was fixed at a thousand dollars, and of the county superintendents at two hundred dollars. There were, at that time, about twelve thousand negro men subject to the capitation tax of three dollars, already referred to, and under that law they paid thirty-six thousand dollars annually into the State Treasury of Florida; but the school law forbade that the salary of superintendents and assistant superintendents should be paid from the fund derived from the poll-tax. They provided that it should be chargeable solely to the fund raised for common schools. As there were thirty-seven counties in Florida at that time, it is a fair presumption that twenty-five of them had assistant superintendents, whose aggregate salaries would amount to five thousand dollars. With the superintendent's salary, which was a thousand dollars, a draft of six thousand dollars for the salaries of white men was at once made upon the twelve thousand dollars which were to be collected from freedmen. Every teacher who was to teach in these schools was required to pay five dollars for his certificate, which also went into the school-fund; and the end of the whole matter was, that a bare pittance was left for the thirty thousand negro children in Florida of the school age. The whole scheme was a ghastly wrong, one which, if attempted upon that class of any population in the North which is able to pay only a poll-tax, would consign the party attempting it to defeat and disgrace, and, if its enforcement were attempted, would lead to riot and bloodshed.

These laws, with all their wrong (even a stronger word might be rightfully employed), were to become, and were, indeed, already an integral part of the reconstruction scheme which President Johnson had devised and proclaimed. Whoever assented to the President's plan of reconstruction assented to these laws, and, beyond that, assented to the full right of the rebellious States to continue legislation

of this odious type. It was at once seen that if the party which had insisted upon the emancipation of the slave as a final condition of peace, should now abandon him to his fate, and turn him over to the anger and hate of the class from whose ownership he had been freed, it would countenance and commit an act of far greater wrong than was designed by the most malignant persecutor of the race in any one of the Southern States. When the Congress of the United States, acting independently of the Executive power of the Nation, decreed emancipation by amending the Constitution, it solemnly pledged itself, with all its power, to give protection to the emancipated at whatever cost and at whatever sacrifice. No man could read the laws which have been here briefly reviewed without seeing and realizing that, if the negro were to be deprived of the protecting power of the Nation that had set him free, he had better at once be remanded to slavery, and to that form of protection which cupidity, if not humanity, would always inspire.

The South had no excuse for its course, and the leaders of its public opinion at that time will always, and justly, be held to a strict accountability. Even the paltry pretext, afterwards so often advanced, that they were irritated and maddened by the interposition of carpet-bag power, does not avail in the least degree for the outrages in the era under consideration. When Mr. Johnson issued his proclamation of reconstruction, the hated carpet-bagger was an unknown element in the Southern States. What was done during the year immediately following the surrender of the rebel armies was done at Southern suggestion, done by Southern men, done under the belief that the President's policy would protect them in it, done with a fixed and merciless determination that the gracious act of emancipation should not bring amelioration to the colored race, and that the pseudo-philanthropy, as they regarded the anti-slavery feeling in the North, should be brought into contempt before the world. They deliberately resolved to prove to the public opinion of mankind that the negro was fit only to be a chattel, and that in his misery and degradation, sure to follow the iniquitous enactments for the new form of his subjection, it would be proved that he had lost and not gained by the conferment of freedom among a population where it was impossible for him to enjoy it. They resolved also to prove that slavery was the normal and natural state of the negro; that the Northern people, in taking any other ground, had been deceived by a sentiment and had been following a chimera; that the

Southern people alone understood the question, and that interference with them by war or by law should end in establishing their justification before the public opinion of the world. The Southern men believed and boasted that they would subject to general reproach and expose to open shame that whole class of intermeddlers and fanatics (as they termed opponents of slavery) who had destroyed so many lives and wasted so much treasure in attempting the impossible and, even if possible, the undesirable.

There can be no doubt that the objectionable and cruel legislation of the Southern States — examples of which might be indefinitely cited in addition to those already given — exerted a strong influence upon Mr. Seward's mind. It is well known that, to those who were on intimate terms with him, he expressed a sorrowful surprise that the South should respond with so ill a grace to the liberal and magnanimous tenders of sympathy and friendship from the National Administration. He could not comprehend why confidence did not beget confidence, why generosity should not call forth generosity in return. There are good reasons for believing that Mr. Seward desired some modification of the President's policy of Reconstruction after he comprehended the spirit which had been exhibited by the Southern Conventions, and the still more objectionable spirit shown by the Southern Legislatures. His philanthropic nature, the record of his public life, his great achievements in the anti-slavery field, all forbid the conclusion that he could knowingly and willingly consent to the maltreatment and the permanent degradation of the freedmen. If he had no higher motive, the selfish one of preserving his own splendid fame must have inspired him.

Mr. Seward had reached the age of sixty-five years, and he surely could not consent to undo the entire work of his mature manhood. Consistency, it is true, is not the highest trait of statesmanship. Crises often arise in the conduct of National affairs when cherished opinions must be sacrificed and new departures taken. But this necessity can never apply to that class of political questions closely and inseparably allied with moral obligation. Mr. Seward had himself taught the nation that conflict on questions involving the rights of human nature is irrepressible. The slavery against which he had warred so long and so faithfully had been abolished in vain if an-

other form of servitude, even more degrading in some of its aspects, was to take its place. To desert the colored man, and leave him to his fate, undefended and defenseless against the wrongs already perpetrated and the greater wrongs foreshadowed, would do dishonor to the entire spirit of Mr. Seward's statesmanship, and would certainly be unworthy of his fame.

He strove no doubt to persuade himself, as Mr. Marcy had done in the Cabinet of President Pierce, that even if he did not approve the policy pursued, it was better for him to remain and prevent many evils sure to follow if he should resign. Mr. Seward felt moreover a certain embarrassment in deserting the Administration after he had induced the President to adopt the very policy which was now resulting adversely. But for his energetic interposition the President would have been executing an entirely different policy — one of severe and perhaps sanguinary character. After persuading Mr. Johnson to abandon his proposed line of action and to adopt that which Mr. Seward had himself originated, it might well occur to the distinguished Secretary of State that good faith to the President required him to remain at his post and aid in working out the best result possible. It would to Mr. Seward's apprehension be an act of unpardonable selfishness if in such a crisis to the Republic he should seek to increase his own popularity in the Northern States by separating from Mr. Johnson who had generously trusted him and cordially accepted his leadership. By resigning he could only add to the excitement which he especially desired to allay, whereas he might by continuing in his place of power be able to hold a part of the ground which would all be finally lost if he should join the crusade against the Administration. Under these motives Mr. Seward retained his portfolio. He staid on and on, continually hoping to do some act of patriotic service, and steadily losing that great host of friends who for twenty years had looked to him with unfaltering faith for counsel and direction.

Many who had been steadfastly devoted to Mr. Seward for the whole generation in which he had been prominent in public affairs, never could become reconciled to his course at this period. Some, indeed, refused to concede to him the benefit of worthy motives. He had, as they believed and declared, been incurably wounded in his pride, and disappointed in his ambition, when Mr. Lincoln, then a comparatively unknown man, was preferred to him by the Republican party as a candidate for the Presidency in 1860. He had, as

they believed, bided his time for revenge. During the war, the pressure of patriotic duty, as his new but reluctant enemies alleged, held him steadily to his old faith; but now, when he could do it without positive danger to the country, he was bent on administering discipline to the party and its leaders. They likened him to Mr. Van Buren, revengefully defeating General Cass in 1848; to Mr. Webster, who on his death-bed gave his sympathy to the party which had always reviled him; to Mr. Fillmore, who deserted his anti-slavery professions in the hour of most pressing responsibility. Comments even more severe were made by many who had been deeply attached to Mr. Seward, and had deplored his defeat at Chicago. At such a period of excitement, it was not possible that a man of Mr. Seward's exalted position could in any degree change his party relations without great exasperation on the part of old friends, — an exasperation sure to lead to extravagance of expression and to personal injustice.

Mr. Seward's course at this period must not be judged harshly by a standard established from a retrospective view of the circumstances surrounding him. It is more just to consider the situation as it appeared to his own observation when his eyes were turned to the future. He no doubt looked buoyantly forward, according to his temperament, trusting always to the healing influences of time and to that re-action in the headlong course of Southern men which he felt sure would be brought about by the sting of personal reflection and by the power of public opinion. A silver lining to the darkest cloud was always visible to his eye of faith, and he now brought to the contemplation of the adverse elements in the political field a full measure of that confidence which had always sustained him when adverse elements in the field of war caused many strong hearts to faint and grow weary.

The course of events developed occasions when Mr. Seward's influence proved valuable to the country, but it did not serve to recall his popularity. He was thwarted and defeated at all points by the Southern leaders whom he had induced the President to forgive and re-instate. These men had originally established their relations with Mr. Johnson by reason of Mr. Seward's magnanimous interposition. But once established they had been able, from motives adverted to in the preceding chapter, to fasten their hold upon Mr. Johnson even to the exclusion of Mr. Seward. When Mr. Seward was beaten for the Presidential nomination in a convention com-

posed of anti-slavery men who had learned their creed from him, Senator Toombs, in a tone full of exultation but not remarkable for delicacy, declared that "Actæon had been devoured by his own dogs." The fable would be equally applicable in describing the manner in which the Southern men, who owed their forgiveness and their immunity to Mr. Seward, turned upon him with hatred and with imprecation. They were graciously willing to accept benefits and favors at his hands so long as he would dispense them, but they never forgave him for the work of that grand period of his life, between his election to the Senate and the outbreak of the civil war, when he wrought most nobly for humanity and established a fame which no error of later life could blot from the minds of a grateful people.

Mr. Seward could not have been surprised at the treatment he thus received. He had for nearly half a century been an intelligent observer of the political field, and he could not recall a single Northern man who had risked his popularity at home in defense of what were termed the rights of the South who had not in the supreme crisis of his public life been deserted by the South. Mr. Webster, General Cass, William L. Marcy, Mr. Douglas, and President Pierce were among the most conspicuous of those who had been thus sacrificed. The last sixty days of Mr. Buchanan's Presidency furnished the most noted of all the victims of Southern ingratitude. Men of lower rank but similar experience were to be found in the years preceding the war in nearly every Northern State — men who had ventured to run counter to the principles and prejudices of their own constituency to serve those who always abandoned a political leader when they feared he might have lost the power to be useful to them. The pro-slavery men of the South, in following this course, presented a striking contrast to the anti-slavery men of the North who, under all circumstances and against all temptation, were faithful to the leaders who proved faithful to their cause.

CHAPTER VI.

Meeting of the Thirty-ninth Congress. — Re-election of Speaker Colfax. — His Address on taking the Chair. — Thaddeus Stevens moves for a Committee of Reconstruction. — Resisted by Democrats. — Rebel Contestants denied Admission to the Floor. — Much Feeling on the Question. — Proceedings of the Senate. — Propositions of Mr. Sumner. — Annual Message of the President. — Outline of its Contents. — Apparently Conservative in Tone. — Not Personally Aggressive. — Leading Men of the Thirty-ninth Congress. — Death of Both Vermont Senators. — New Senators. — New Members of the House. — Sketches of Prominent Senators and Representatives. — President Johnson's Patronage. — Unprecedented Volume of it due largely to the War. — Danger of its Use against Republicans. — Apprehensions of Republicans. — Reconstruction Resolution in the Senate. — Amended in that Body. — Concurrence of House. — Appointment of Committee. — Strong Character of its Members. — House Resolutions. — Debate on Reconstruction. — Longest Debate in the History of Congress. — Opened by Mr. Stevens. — Very Radical in its Tone. — He Sketches Changed Basis of Representation. — Gives Offense to the Administration. — Mr. Henry J. Raymond. — His Reply to Mr. Stevens. — His Strong Attachment to Mr. Seward. — Theory of Dead States. — Speech of Mr. Spalding. — Mr. Shellabarger replies to Mr. Raymond. — Exhaustive Speech. — Gave him a Leading Place in the House. — Severe Attack on the South. — Resolutions of Mr. Voorhees sustaining Administration. — Speech in Support of them. — Mr. Bingham's Reply. — House refuses to indorse the Administration. — Two Republicans join Democratic Vote. — Disappointment of Mr. Raymond. — Thinks Democratic Support a Misfortune. — Character of Mr. Raymond. — His Great Ability. — His Life shortened. — Died at Forty-nine.

DURING the progress of events in the South, briefly outlined in the preceding chapter, the Thirty-ninth Congress came together —on the first Monday of December, 1865. The Senate and House each contained a large majority of Republicans. In the House Mr. Colfax was re-elected Speaker, receiving 139 votes to 36 cast for James Brooks of New York. The address of the Speaker on taking the chair is usually confined to thanks for his election and courteous assurance of his impartiality and good intentions. But Mr. Colfax, instinctively quick, as he always was, to discern the current of popular thought, incorporated in the ceremonial address some very decisive political declarations. Referring to the fact that the Thirty-

eighth Congress had closed nine months before, with "the storm-cloud of war still lowering over us," and rejoicing that "to-day, from shore to shore in our land there is peace," he proceeded to indicate the line of policy which the people expected. "The duties of Congress," said he, "are as obvious as the sun's pathway in the heavens. Its first and highest obligation is to guarantee to every State a republican form of government, to establish the rebellious States anew on such a basis of enduring justice as will guarantee all safeguards to the people and protection to all men in their inalienable rights." . . . "In this great work," he said, "the world should witness the most inflexible fidelity, the most earnest devotion to the principles of liberty and humanity, the truest patriotism and the wisest statesmanship."

The remarks of Mr. Colfax had evident reference to the perverse action of Southern rebels, and were so entirely in harmony with the feeling of the House that at different stages of the brief address the Republican side of the chamber broke forth into loud applause. As soon as the election of Speaker and of the subordinate officers of the House was completed, Mr. Thaddeus Stevens, recognized as the leader of the majority, offered a resolution for the appointment of a "joint committee of fifteen members — nine from the House and six from the Senate — who shall inquire into the condition of the States which formed the so-called Confederate States of America, and report whether they, or any of them, are entitled to be represented in either House of Congress, with leave to report at any time by bill or otherwise." His resolution demanded that "until such report shall have been made and finally acted upon by Congress, no member shall be received into either House from any of the so-called Confederate States," and further directed that "all papers relating to the representation of the said States shall be referred to the said committee without debate." Mr. Eldridge of Wisconsin objected to the introduction of the resolution, and was met by Mr. Stevens with a motion to suspend the rules, which was carried by 129 *ayes* to 35 *noes*. Mr. John L. Dawson of Pennsylvania inquired whether it would not be in order to postpone the resolution until after the receipt of the President's message; but the House was in no disposition to testify respect for Mr. Johnson, and the resolution was adopted by as large a vote as that by which it had been received.

Mr. Niblack of Indiana offered a resolution that "pending the question as to the admission of persons claiming to have been elected

representatives to the present Congress from the States lately in rebellion, such persons be entitled to the privileges of the floor of the House." This was a privilege always accorded to contestants for seats, but Mr. Wilson of Iowa now objected; and, on motion of Mr. Stevens, the House adjourned without even giving the courtesy of a vote to the resolution. No action of a more decisive character could have been taken to indicate, on the threshold of Congressional proceedings, the hostility of the Republican party, not merely to the President's plan of reconstruction, but to the men who, under its operation in the South, had been chosen to represent their districts in Congress. Against a bad principle a good one may be opposed and the contest proceed in good temper. But this is not practicable when personal feeling is aroused. The presence in Washington of a considerable number of men from the South, who, when Congress adjourned in the preceding March, were serving in the Confederate Army, and were now at the Capital demanding seats in the Senate and House, produced a feeling of exasperation amounting to hatred. The President's reconstruction policy would have been much stronger if the Southern elections to Congress had been postponed, or if the members elect had remained at home during the discussion concerning their eligibility. The presence of these obnoxious persons inflamed minds not commonly given to excitement, and drove many men to act from anger who were usually governed by reason.

In the Senate the proceedings were conducted with even more disregard of the President than had been manifested in the House. An entire policy was outlined by Mr. Sumner, without the slightest reference to what the President might communicate "on the state of the Union," and a system of reconstruction proposed which was in absolute hostility to the one that Mr. Johnson had devised. Mr. Sumner submitted resolutions defining the duty of Congress in respect to guarantees of the National security and National faith in the rebel States. While the conditions were not put forth as a finality, they were significant, if not conclusive, of the demands which would be made, first by the more advanced Republicans, and ultimately by the entire party. These resolutions declared that, in order to provide proper guarantees for security in the future, "Congress should take care that no one of the rebellious States should be allowed to resume its relations to the Union until after the satisfactory performance of five several conditions, which must be submitted to a popular vote,

and be sanctioned by a majority of the people in each of those States respectively." These conditions were, in some respects, marked by Mr. Sumner's lack of tact and practical wisdom as a legislator. He required stipulations, the fulfillment of which could not really be ascertained.

Mr. Sumner demanded, first, "the complete re-establishment of loyalty, as shown by an honest recognition of the unity of the Republic, and the duty of allegiance to it at all times, without mental reservation or equivocation of any kind." How Mr. Sumner could determine that "the recognition of the unity of the Republic" was *honest*, how he could know whether there was not, after all, a mental reservation on the part of the rebels now swearing allegiance, he did not attempt to inform the Senate. The next or second condition was somewhat more practical in fact, but might have been expressed in simpler form. He demanded "the complete suppression of all oligarchical pretensions, and the complete enfranchisement of all citizens, so that there shall be no denial of rights on account of race or color." His third condition was "the rejection of the rebel debt, and the adoption, in just proportions, of the National debt and the National obligations to Union soldiers, with solemn pledges never to join in any measure, directly or indirectly, for their repudiation, or in any way tending to impair the National credit." His fourth condition was "the organization of an educational system for the equal benefit of all, without distinction of color or race." His fifth had some of the objectionable features of his first, demanding "the choice of citizens for office, whether State or National, of constant and undoubted loyalty, whose conduct and conversation shall give assurance of peace and reconciliation." The rebel States were not to be, in Mr. Sumner's language, "precipitated back to political power and independence, but must wait until these conditions are, in all respects, fulfilled." In addition, he desired a declaration of the Senate that "the Thirteenth Amendment, abolishing slavery, has become and is a part of the Constitution of the United States, having received the approval of the Legislatures of three-fourths of the States adhering to the Union." He declared that "the votes of the States in rebellion are not necessary, in any way, to its adoption, but they must all agree to it through their Legislatures, as a condition precedent to their restoration to their full rights as members of the Union." With these resolutions Mr. Sumner submitted another long series declaratory of the duty of Congress in respect to loyal citizens in

the rebel States. His first series had defined what the lately rebellious States must agree to by popular vote, and he now outlined quite fully what would be the duty of Congress respecting the admission of those States to representation in the Senate and the House. The sum of the whole, or the central fact of the whole series, was that the color of the skin must not exclude a loyal man from civil rights.

On the succeeding day, the President, having received notice of the organization of the two Houses, communicated his annual message. It had been looked for with great interest and with varying speculations as to its character. It was expected, and as the event proved with good reason, that it would affect the relation of parties in the Northern States; that it would produce ill-feeling between the President and the Republicans, who had chosen him; and that it would lead, with equal certainty, to a tender of support from the Democrats who had hitherto opposed him. But Mr. Johnson had evidently resolved to exhibit a spirit of calmness and firmness in his official communication, and, while steadily maintaining his own ground, to avoid all harsh words that might give offense to those who differed from him. The moderation in language and the general conservatism which distinguished the message were perhaps justly attributed to Mr. Seward, who had no doubt hoped, by kindly words of conciliation, to avert the threatened break in the ranks of the Republican party. Mr. Seward had never in his Congressional career been a compromiser, but he now worked most earnestly to bring about an accommodation between the Administration and Congress. His argument was the one skillfully employed by all who seek an adjustment between those who ought to be friends: Let each party give way a little; let a common ground of action be established; and, above all, let the calamity of a party division be averted.

The President in his message dwelt at some length in a tone of moderation upon the condition of affairs in the South. He saw before him but two modes of dealing with the insurrectionary States, — one was "to bring them back into practical relations with the Union;" the other was to "hold them in military subjection." . . . "Military government," said the President, "established for an indefinite period, would offer no security for the suppression of discontent, would divide the people into the vanquishers and the vanquished, and would envenom hatred rather than restore affection." . . . The

President set forth the danger of permanent arbitrary rule. "Once established, no precise limit to the continuance of the military governments is conceivable. They would occasion an incalculable and exhausting expense. Peaceful emigration would be prevented; for what emigrant abroad, what industrious citizen at home, would willingly place himself under military rule?" — "Besides," asked the President, "would not the policy of military rule imply that the States whose inhabitants may have taken part in the Rebellion have, by the act of those inhabitants, ceased to exist? whereas the true theory is, that all pretended acts of secession were from the beginning null and void." The President then briefly explained how he had proceeded in the appointment of provisional governors, the calling of conventions, the election of civil governors and Legislatures, the choosing of senators and representatives in Congress, — compactly sketching the progress of events from the date of his accession until the date of the message.

Discussing his proposed policy he said with great frankness, "I know very well that for its success it requires, at least, the acquiescence of the States which it concerns; that it implies an invitation to those States, by renewing their allegiance to the United States, to resume their functions as States of the Union; but it is a risk that must be taken, and in the choice of difficulties, it is the smallest risk." He urged very earnestly the adoption of the Thirteenth Amendment in order that the negro should be freed, and with equal strength maintained that, as respected the qualifications for suffrage in each of the States, "the General Government should not interfere, but leave that matter where it was originally left, — in the Federal Constitution." But the most partial friend of the President could hardly claim that he frankly communicated the proceedings or the spirit of the Southern conventions and Legislatures. He chose to ignore that subject, to hide it by fluent and graceful phrase from public criticism, and thus to keep from the official knowledge of Congress the most important facts in the whole domain of reconstruction. It was a great mistake in the President to pass over this subject in silence. Such a course enforced one of two impressions, either of which was hurtful to him. He must, according to the common understanding of Congress, have thought the character of Southern legislation so offensive that he could find no excuse for it and therefore would not mention it; or he must have regarded it as outside the line of his observation and beyond the pale of his

power of review. Either construction was bad, but the second and more probable one was especially offensive.

The leading men of the Thirty-ninth Congress were mainly those of the Thirty-eighth, though there had been a few important changes. The eminent senator from Vermont, Jacob Collamer, died on the 9th of November (1865); and Luke P. Poland, afterwards a member of the House of Representatives, appeared as his successor. Mr. Solomon Foot, who announced Judge Collamer's death, survived him but a few months. On the 28th of March Mr. Sumner announced his death to the Senate; and eight days later — on the 5th of April (1866) — George F. Edmunds was sworn in as his successor. His first speech was in eulogy of his predecessor. Mr. Edmunds rose rapidly to prominence in the Senate and after the habit of his State has been maintained for a long period in his position.

Honorable James Guthrie of Kentucky, who had been Secretary of the Treasury under President Pierce, now entered the Senate as the successor of Lazarus W. Powell. He was a man of strong parts, possessing a steady industry and thrift not common to the South. He had for many years occupied a commanding financial position in the South-West. Richard Yates, the War Governor of Illinois, displaced William A. Richardson, the intimate friend of Douglas. John P. Hale gave way to Aaron H. Cragin. In recognition of Mr. Hale's ability and long and faithful public service, Mr. Lincoln nominated him to the Spanish Mission. John A. J. Creswell came from Maryland as the successor of Anthony Kennedy. George H. Williams, a Republican, came from Oregon to take the place of Benjamin F. Harding, a Democrat. John P. Stockton of New Jersey, a Democrat, took the place of John C. Ten Eyck, a Republican. Samuel J. Kirkwood entered as the successor of James Harlan to fill his unexpired term, and performed a somewhat unusual service in presenting the credentials of James Harlan as his successor for the full term, beginning March 4, 1867. This was the first appearance of Mr. Kirkwood in the National field, though he had long been well known for honorable and eminent service in his State.

In the House the changes were more significant than in the Senate. Gilman Marston entered anew, having been absent serving with great credit as a brigadier-general in the war. General Banks

resumed the seat which he had left to accept the governorship of Massachusetts in 1857. His checkered and remarkable career, both civil and military, during the eight intervening years had greatly increased his reputation. Henry C. Deming of Connecticut entered fresh from the field of war, choosing a political life rather than a return to literary labor. New York was greatly strengthened in her delegation. Roscoe Conkling resumed the seat which he had lost in the political reverses of 1862. Among the new members were Henry J. Raymond, the able founder and editor of *The New-York Times*, Robert S. Hale, who became at once distinguished in the

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THIRTY-NINTH CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC; ADMINISTRATION REPUBLICANS IN SMALL CAPITALS.

SENATE.

Lafayette S. Foster of Connecticut, President of the Senate.
John W. Forney of Pennsylvania, Secretary.
MAINE. — William Pitt Fessenden, Lot M. Morrill.
NEW HAMPSHIRE. — Daniel Clark,[1] Aaron H. Cragin.
VERMONT. — Solomon Foot,[2] Luke P. Poland.
MASSACHUSETTS. — Charles Sumner, Henry Wilson.
RHODE ISLAND. — Henry B. Anthony, William Sprague.
CONNECTICUT. — JAMES DIXON, Lafayette S. Foster.
NEW YORK. — Ira Harris, Edwin D. Morgan.
NEW JERSEY. — *William Wright*,[3] *John P. Stockton*.[4]
PENNSYLVANIA. — *Charles R. Buckalew*, EDGAR COWAN.
DELAWARE. — *George Reed Riddle*, *Willard Saulsbury*.
MARYLAND. — John A. J. Creswell, *Reverdy Johnson*.
OHIO. — John Sherman, Benjamin F. Wade.
KENTUCKY. — *James Guthrie*, *Garrett Davis*.
INDIANA. — Henry S. Lane, *Thomas A. Hendricks*.
ILLINOIS. — Lyman Trumbull, Richard Yates.
MISSOURI. — B. Gratz Brown, John B. Henderson.
MICHIGAN. — Zachariah Chandler, Jacob M. Howard.
IOWA. — James W. Grimes, Samuel J. Kirkwood.
WISCONSIN. — JAMES R. DOOLITTLE, Timothy O. Howe.
CALIFORNIA. — John Conness, *James A. McDougal*.
MINNESOTA. — DANIEL S. NORTON, Alexander Ramsey.
OREGON. — *James W. Nesmith*, George H. Williams.
KANSAS. — Samuel C. Pomeroy, JAMES H. LANE.[5]
WEST VIRGINIA. — Peter C. Van Winkle, Waitman T. Willey.
NEVADA. — James W. Nye, William M. Stewart.
TENNESSEE. — David T. Patterson, Joseph S. Fowler. From July 24, 1866.

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[1] Resigned. Succeeded by George G. Fogg.
[2] Died. Succeeded by George F. Edmunds.
[3] Died. Succeeded by Frederick T. Frelinghuysen.
[4] Unseated. Succeeded by Alexander G. Cattell.
[5] Died. Succeeded by Edmund G. Ross.

arena of debate, and Hamilton Ward, afterwards Attorney-General of his State. These additions gave to the delegation a prestige which its numbers did not always secure. John H. Ketcham, who had attained the rank of brigadier-general by successful service in the field, took his seat in this Congress, destined to hold it for a long period, destined also to exert large political influence without ever once addressing the House of Representatives or an assembly of the people. Reuben E. Fenton, after long and able service in the House, was now transferred to the gubernatorial chair of his State.

Three new men of note entered from Pennsylvania — John M.

HOUSE OF REPRESENTATIVES.

Schuyler Colfax of Indiana, Speaker.

Edward McPherson of Pennsylvania, Clerk.

MAINE. — John Lynch, Sidney Perham, James G. Blaine, John H. Rice, Frederick A. Pike.

NEW HAMPSHIRE. — Gilman Marston, Edward H. Rollins, James W. Patterson.

VERMONT. — Frederick E. Woodbridge, Justin S. Morrill, Portus Baxter.

MASSACHUSETTS. — Thomas D. Eliot, Oakes Ames, Alexander H. Rice, Samuel Hooper, John B. Alley, Nathaniel P. Banks, George S. Boutwell, John D. Baldwin, William B. Washburn, Henry L. Dawes.

RHODE ISLAND. — Thomas A. Jenckes, Nathan F. Dixon.

CONNECTICUT. — Henry C. Deming, Samuel L. Warner, Augustus Brandegee, John H. Hubbard.

NEW YORK. — *Stephen Taber*, *Teunis G. Bergen*, James Humphrey,[1] *Morgan Jones*, *Nelson Taylor*, HENRY J. RAYMOND, *John W. Chanler*, *James Brooks*,[2] William A. Darling, *William Radford*, *Charles H. Winfield*, John H. Ketcham, *Edwin N. Hubbell*, *Charles Goodyear*, John A. Griswold, ROBERT S. HALE, Calvin T. Hulburd, James M. Marvin, Demas Hubbard, jun., Addison H. Laflin, Roscoe Conkling, Sidney T. Holmes, Thomas T. Davis, Theodore M Pomeroy, Daniel Morris, Giles W. Hotchkiss, Hamilton Ward, Roswell Hart, Burt Van Horn, *James M. Humphrey*, Henry Van Aernam.

NEW JERSEY. — John F. Starr, William A. Newell, *Charles Sitgreaves*, *Andrew J. Rogers*, *Edwin R. V. Wright*.

PENNSYLVANIA. — *Samuel J. Randall*, Charles O'Neill, Leonard Myers, William D. Kelley, M Russell Thayer, *Benjamin M. Boyer*, John M. Broomall, *Sydenham E. Ancona*, Thaddeus Stevens, *Myers Strouse*, *Philip Johnson*,[3] *Charles Denison*, Ulysses Mercur, George F. Miller, *Adam J. Glossbrenner*, *Alexander H. Coffroth*,[4] Abraham A. Barker, Stephen F. Wilson, Glenni W. Scofield, Charles V. Culver, *John L. Dawson*, James K. Moorhead, Thomas Williams, George V. Lawrence.

DELAWARE. — *John A. Nicholson*.

MARYLAND. — *Hiram McCullough*, John L. Thomas, jun., CHARLES E. PHELPS, Francis Thomas, *Benjamin G. Harris*.

OHIO. — Benjamin Eggleston, Rutherford B. Hayes, Robert C. Schenck, William Lawrence, *Francis C. Le Blond*, Reader W. Clarke, Samuel Shellabarger, JAMES R. HUBBELL, Ralph P. Buckland, James M. Ashley, Hezekiah S. Bundy, *William E. Finck*, Columbus Delano, Martin Welker, Tobias A. Plants, John A. Bingham, Ephraim R. Eckley, Rufus P. Spalding, James A. Garfield.

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[1] Died. Succeeded by *John W. Hunter*.

[2] Unseated. Succeeded by William E. Dodge.

[3] Died. Succeeded by *Daniel M. Van Auken*.

[4] Unseated. Succeeded by William H. Koontz.

Broomall, an independent thinker and keen debater, inflexible in principle, untiring in effort; Ulysses Mercur, whose learning as a lawyer and whose worth as a man have since received their reward in a promotion to the Supreme Bench of his State; George V. Lawrence, one of the best known and most sagacious political leaders in Western Pennsylvania, inheriting his capacity from his honored father, Joseph Lawrence, who died during his membership of the Twenty-seventh Congress. John L. Thomas, junior, entered as the representative of the city of Baltimore; and the venerable Francis Thomas returned from his hermitage and his weird life in the Alleghanies.

KENTUCKY. — *Lawrence S. Trimble, Burwell C. Ritter, Henry Grider,*[1] *Aaron Harding*, LOVELL H. ROUSSEAU, GREEN CLAY SMITH,[2] *George S. Shanklin*, William H. Randall, Samuel McKee.

TENNESSEE. — *Nathaniel G. Taylor*, Horace Maynard, William B. Stokes, *Edmund Cooper, William B. Campbell*, Samuel M. Arnell, Isaac R. Hawkins, *John W. Leftwich.* From July 24, 1866.

INDIANA. — *William E. Niblack, Michael C. Kerr*, Ralph Hill, John H. Farquhar, George W. Julian, Ebenezer Dumont, *Daniel W. Voorhees,*[3] Godlove S. Orth, Schuyler Colfax, Joseph H. Defrees, THOMAS N. STILLWELL.

ILLINOIS. — John Wentworth, John F. Farnsworth, Elihu B. Washburne, Abner C. Harding, Ebon C. Ingersoll, Burton C. Cook, Henry P. H. Bromwell, Shelby M. Cullom, *Lewis W. Ross, Anthony Thornton, Samuel S. Marshall*, Jehu Baker, Andrew J. Kuykendall, Samuel W. Moulton.

MISSOURI. — *John Hogan*, Henry T. Blow, THOMAS E. NOELL, John R. Kelso, Joseph W. McClurg, Robert T. Van Horn, Benjamin F. Loan, John F. Benjamin, George W. Anderson.

MICHIGAN. — Fernando C. Beaman, Charles Upson, John W. Longyear, Thomas W. Ferry, Roland E. Trowbridge, John F. Driggs.

IOWA. — James F. Wilson, Hiram Price, William B. Allison, Joseph B. Grinnell, John A. Kasson, Asahel W. Hubbard.

WISCONSIN. — Halbert E. Paine, Ithamar C. Sloan, Amasa Cobb, *Charles A. Eldridge*, Philetus Sawyer, Walter D. McIndoe.

CALIFORNIA. — Donald C. McRuer, William Higby, John Bidwell.

MINNESOTA. — William Windom, Ignatius Donnelly.

OREGON. — James H. D. Henderson.

KANSAS. — Sidney Clarke.

WEST VIRGINIA. — Chester D. Hubbard, George R. Latham, Kellian V. Whaley.

NEVADA. — Delos R. Ashley.

NEBRASKA. — Thomas M. Marquette. From Feb. 9, 1867.

TERRITORIAL DELEGATES.

NEW MEXICO. — J. Francisco Chaves.

UTAH. — *William H. Hooper.*

WASHINGTON. — Arthur A. Denny.

ARIZONA. — John N. Goodwin.

NEBRASKA. — Phineas W. Hitchcock.

COLORADO. — Allen A. Bradford.

DAKOTA. — Walter A. Burleigh.

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[1] Died. Succeeded by *Elijah Hise.*

[2] Resigned. Succeeded by *Andrew H. Ward.*

[3] Unseated. Succeeded by Henry D. Washburn.

Ohio grew even stronger than before, and her delegation was again recognized as the leading one of the House. Samuel Shellabarger, John A. Bingham and Columbus Delano re-entered with reputation already established by previous service in Congress. William Lawrence, a conscientious legislator and careful lawyer, entered from the Bellefontaine District. Martin Welker, since promoted to the bench in his State, came from the Wooster District. One of the Cincinnati districts was represented by Benjamin Eggleston, a man of great force and energy; and the other, by a modest man, without experience in legislation, but who had been a good and true soldier in the war

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IDAHO. — E. D. Holbrook.
MONTANA. — Samuel McLean.

SENATORS CHOSEN FROM THE LATE INSURRECTIONARY STATES.

ALABAMA. — Lewis E. Parsons, George S. Houston.
ARKANSAS. — Elisha Baxter, William D. Snow.
FLORIDA. — William Marvin, Wilkerson Call.
GEORGIA. — Alexander H. Stephens, Herschel V. Johnson.
LOUISIANA. — Randall Hunt, Henry Boyce. (R. King Cutler and Michael Hahn also claim under a former election in October, 1864.)
MISSISSIPPI. — William L. Sharkey, James L. Alcorn.
NORTH CAROLINA. — William A. Graham, John Pool.
SOUTH CAROLINA. — Benjamin F. Perry, John L. Manning.[1]
TENNESSEE. — David T. Patterson, Joseph S. Fowler.
TEXAS. — David G. Burnett, O. M. Roberts.
VIRGINIA. — John C. Underwood, Joseph Segar.

REPRESENTATIVES CHOSEN FROM THE LATE INSURRECTIONARY STATES.

ALABAMA. — C. C. Langdon, George C. Freeman,[2] General Cullen A. Battle, Joseph W. Taylor, B. T. Pope, Thomas J. Foster.
ARKANSAS. — William Byers, George H. Kyle, James M. Johnson.
FLORIDA. — F. McLeod.
GEORGIA. — Solomon Cohen, General Philip Cook, Hugh Buchanan, E. G. Cabaniss, J. D. Matthews, J. H. Christy, General W. T. Wofford.[3]
LOUISIANA. — Louis St. Martin, Jacob Barker, Robert C. Wickliffe, John E. King, John S. Ray. (Henry C. Warmoth claims seat as delegate under universal suffrage election.)
MISSISSIPPI. — Colonel Arthur E. Reynolds, Colonel Richard A. Pinson, James T. Harrison, A. M. West, E. G. Peyton.
NORTH CAROLINA. — Jesse R. Stubbs, Charles C. Clark, Thomas C. Fuller, Colonel Josiah Turner, jun., Lewis Hanes, S. H. Walkup, Alexander H. Jones.
SOUTH CAROLINA. — Colonel John D. Kennedy, William Aiken, General Samuel McGowan, James Farrow.
TENNESSEE. — Nathaniel G. Taylor, Horace Maynard, William B. Stokes, Edmund Cooper, William B. Campbell, Samuel M. Arnell, Isaac R. Hawkins, John W. Leftwich.
TEXAS. — George W. Chilton, Benjamin H. Epperson, A. M. Branch, C. Herbert.
VIRGINIA. — W. H. B. Custis, Lucius H. Chandler, B. Johnson Barbour, Robert Ridgeway, Beverly A. Davis, Alexander H. H. Stuart, Robert Y. Conrad, Daniel H. Hoge.

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[1] Resigned. Succeeded by James B. Campbell.
[2] Died. Succeeded by J. McCaleb Wiley.
[3] Died. Succeeded by James P. Hambleton.

for the Union and was highly esteemed by his neighbors. He did not take an active part in Congress, but was destined to a prominence of which he little dreamed — Rutherford B. Hayes.

The Indiana delegation was strengthened on the Democratic side by the return of William E. Niblack, who had made a good record in the Thirty-seventh Congress; and by the entrance of Michael C. Kerr, who served for a long period and ultimately became Speaker of the House. Messrs. Julian, Orth, and Dumont were again elected. The last-named had made a reputation in the preceding Congress as a keen and able man. The Illinois delegation, which had contained a large majority of Democrats in the Thirty-eighth Congress, now returned strongly Republican, — Mr. Lincoln's victory of 1864 having, with three exceptions, carried with it every Congressional district. Four men of marked characteristics were among the new members of the delegation, one of whom was already widely known: the three others were destined to become so in different degrees — John Wentworth, Shelby M. Cullom, Burton C. Cook, and Jehu Baker. Wentworth had been in the House as a Democrat prior to the war, having represented the Chicago District continuously from March 4, 1843 to March 4, 1851; and again from March 4, 1853 to March 4, 1855. He was endowed by nature with a mind as strong as his body, and that was of Titanic proportions. He was an ardent partisan in behalf of any cause he espoused; was willful, aggressive, and dominating. He was, at the same time, genial and kindly in many relations of life, not without gifts of both wit and humor, and courageous to the point of absolute fearlessness. He had been well educated at Dartmouth College in his native State, and long practice had made him a dangerous antagonist in debate. He had been an intense Democrat, but he refused to join Douglas in the repeal of the Missouri Compromise, and subsequently united with the Republicans. — Shelby M. Cullom, with good natural parts and sound education, amiable, pleasing, and endowed with the gracious quality which attracts and holds friends, won his way promptly in the House and gave early promise of the success which afterwards elevated him to the governorship of Illinois, and thence transferred him to the Senate of the United States. — Burton C. Cook was recognized as an able lawyer from the beginning of his service. He constantly grew in influence and strength during the eight years of his continuous membership, and at its close returned to the bar with an enviable reputation and with the assurance of that eminent suc-

cess which has since attended his professional career. — John Baker was a man of peculiarities, not to say oddities, of bearing; but these did not conceal his worth and ability, nor retard the growing reputation which has since retained him in a diplomatic position.

Missouri, then under the control of the Republican party, included in her delegation Robert T. Van Horn, a Pennsylvanian by birth, who had borne a conspicuous part in the contest with the disloyal elements of the State of his adoption; and John Hogan, a genial Irish Democrat from the St. Louis District. The Michigan delegation was the same as in the Thirty-eighth Congress, with the exception of Thomas W. Ferry, who now entered for the first time, and Roland E. Trowbridge, who had served in the Thirty-seventh Congress. The Iowa delegation was the same as in the Thirty-eighth Congress, — a very able body of men with growing influence in the House. The Wisconsin delegation was also in large part the same. But the new members were men of note. Among them were Halbert E. Paine and Philetus Sawyer. General Paine had served with distinction in the war and had lost a leg in battle. He was a lawyer in full practice, a man of the highest integrity, without fear and without reproach. Born in the Western Reserve, he was radical in his views touching the slavery question and progressive in all matters of governmental reform. — Philetus Sawyer was a native of Vermont, who, when a young man, had emigrated to Wisconsin. Without early advantages, either of education or fortune, he was in the best sense of the phrase a self-made man. He engaged in the business of lumbering and by sagacity had acquired wealth. It is easy to supply superlatives in eulogy of popular favorites; but Mr. Sawyer, in modest phrase, deserves to be ranked among the best of men, — honest, industrious, generous, true to every tie and to every obligation of life. He remained for ten years in the House, with constantly increasing influence, and was afterwards promoted to the Senate. California sent an excellent delegation — McRuer, Higby, and Bidwell; and West Virginia contributed a valuable member in the person of Chester D. Hubbard.

The members of the House had been elected in 1864 — borne to their seats by the force of the same popular expression that placed Mr. Lincoln in the Presidential chair for a second term. It is scarcely conceivable that had Mr. Lincoln lived any serious differences could have arisen between himself and Congress respecting the policy of reconstruction. The elections of 1865, held amid the

shouts of triumph over a restored Union, went by default in favor of the Republicans, who were justly credited with the National victory so far as any one political party was entitled to such honor. The people had therefore given no expression, in any official or registered form, touching the policy outlined by Mr. Johnson. He was the duly-elected Vice-President. He had come to the chief magistracy in presumed sympathy and close affiliation with the Republicans whose suffrages he had received. All beyond these facts was surmise or inference. No one knew any thing with precision respecting the new President's intentions.

He undoubtedly had control of an enormous public patronage. The Peace establishment of the Army, it was thought at that time, would not be less than seventy-five regiments, and this, with the necessary staff, would give to him the appointment of nearly two thousand officers without disturbing the commissions of those already in the regular service. A like increase was expected in the naval establishment. The internal-revenue system, devised for the support of the war, was all-pervasive in its character, and required for its administration a great number of officers and agents, all removable and appointable at the pleasure of the Executive. The customs' service was correspondingly large, having grown immensely during the war. In proportion to the population of the country there never had been, there has never since been, and perhaps there will never again be, so vast an official patronage placed at the absolute disposal of the President.

Public opinion, which has in later years tended to restrain the Executive Department from the personal use of the patronage of the Government, did not at that time exert a perceptible influence in this direction. The maxim originating with William L. Marcy, but frequently attributed to President Jackson, that "to the victor belong the spoils," was then held in full honor; and though it was deprecated by many and openly opposed in Congress by a few, it was acquiesced in by the vast majority and was the rule and practice of the National Administration. The patronage placed a formidable weapon in the hands of the President which could be so used as to annoy or help every Republican representative in Congress, — so used, indeed, as to prevent the election of many who were peculiarly offensive to Mr. Johnson. He had been reared in the Democratic school of proscription, and had measured the force and indulged in the use of patronage throughout all his political life in Tennessee.

Though a man of the strictest personal integrity, he had apparently no scruples on this subject, but believed that the patronage of the Government might be honestly used to build up his own political power. When he entered political life he imbibed this doctrine from the teachings of President Jackson; he afterwards received its advantage under Van Buren; he aided in its enforcement under Polk; and when a senator, during the Administration of Buchanan, he witnessed its prodigious power in the overthrow of Douglas as a Presidential candidate, though a large majority of the rank and file of his party desired his nomination. While the Democratic masses were, in fact, clamorous for Douglas, he was defeated by combinations brought about through the active instrumentality of United-States district attorneys, collectors, marshals, and their deputies—all acting, as they had good reason to know, in harmony with the wishes of the Administration from whose favor they had received their places.

The Republicans of the loyal States, whose convictions and whose prejudices were strongly developed by the controversy between the President and Congress, had grave apprehensions as to the ultimate issue. At various times during the fifteen years preceding the war, they had seen men of strong anti-slavery professions, with strong anti-slavery constituencies, "palter in a double sense" when intrusted with the duties of a representative in Congress, and fall from the faith, influenced by what were termed the blandishments of power, or as was sometimes more plainly said, corrupted by the gifts of patronage. They had seen this result brought about by an Administration which the tempted and yielding representatives had been specially chosen to oppose. They had now double ground to fear that many more would prove treacherous to their professions of principle, since they could take refuge under the protection of an Administration chosen by their own party and still nominally professing to be Republican. The magnitude of the patronage at the President's disposal intensified the popular alarm; and the promptness with which a large proportion of those holding office echoed the President's sentiments and defended his policy, was taken as a signal that acquiescence therein would be the one condition upon which the honors and emoluments of public place could be enjoyed.

The great mass of loyal Republicans had descried a peculiar

danger in the gentle, persuasive, insinuating words with which the President, in his annual message, sought to commend his policy. Phrasing of a specious type can deceive an individual far more easily than it can deceive a multitude of men. The quick comprehension of the people so far transcends that of a single person as to amount almost to the possession of a sixth sense. While the single person might be misled by fallacious statements and suppressions of truth by the President, the people discerned with keen precision the absolute facts of the case. They saw that the policy of the President was at war with the creed and the spirit of the Republican party, and that, if carried into effect, the legitimate fruits of the bloody struggle which had afflicted the Nation would be lost to posterity, the laws of humanity would be violated, and a fresh rebellion against National authority would be invited. The ancient maxim, that the voice of the people is the voice of God, is illogical in its direct statement, and like all adages it covers both a truth and an untruth. Its truth was now signally vindicated, when, against the authority of those in high places, against the instruction of those who had always before been trusted, the mass of the Republican party stood with heroic firmness for what they believed to be right. They stood against the seductions of patronage in the hands of the President whom they had elected, and against the eloquent pleadings of the Secretary of State, who for ten years before the war had been their sagacious guide, their profound philosopher, their trusted friend.

It was this common instinct and prompt expression by the people which rescued Congress from the danger of injurious complication. The first test in the Senate, as to the solidity of the Republican party, was made on the 12th of December, when the resolution to form a select committee of reconstruction, passed by the House on the first day of the session, came up for consideration. It was amended on motion of Mr. Anthony, by striking out that portion of it which provided that no member should be received into either House from the so-called Confederate States until the report of the committee was received and acted upon. This was held to impinge on the power of each House to be the judge of its own elections, and was expunged by general consent. On the propriety of the resolution thus amended a brief debate occurred, which to a certain extent enabled senators to define their position; and before it was concluded it was made evident that Mr. Cowan of Pennsylvania, Mr. Dixon of Connecticut, and Mr. Doolittle of Wisconsin, would

separate from the mass of their Republican associates, would support the reconstruction policy of the President, and would ultimately become merged in the Democratic party. Mr. Norton of Minnesota not long afterwards became one of the supporters of the President, making a net loss of four to the Republican side of the chamber. The Senate, at that time, contained fifty members, twenty-five States being represented. Of this number the Democrats had but eleven. The loss of four still left the Republicans in possession of more than two-thirds of the seats in the Senate. The House had even a larger proportion of Republican members. These facts were destined to exert a wide and then unforeseen influence upon the legislation of Congress and upon the political affairs of the country.

The House concurred promptly in the amendment which the Senate had made to the resolution providing for a joint committee on the subject of Reconstruction. It is not often that such solicitude is felt in Congress touching the membership of a committee as was now developed in both branches. It was foreseen that in an especial degree the fortunes of the Republican party would be in the keeping of the fifteen men who might be chosen. The contest, predestined and already manifest, between the President and Congress might, unless conducted with great wisdom, so seriously divide the party as to compass its ruin. Hence the imperious necessity that no rash or ill-considered step should be taken. Both in Congress and among the people the conviction was general that the party was entitled to the services of its best men. There was no struggle among members for positions on the committee; and when the names were announced they gave universal satisfaction to the Republicans. There was some complaint by the Democrats that they had only one representative upon the committee in the Senate and two in the House, but the relative strength of parties in both branches scarcely justified a larger representation of the minority.

Even before the announcement of the names a great number of resolutions were offered in the House, intended to call forth expres-

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Note. — The members of the Joint Committee on Reconstruction were as follows: —

On the part of the Senate. — William P. Fessenden of Maine, James W. Grimes of Iowa, Ira Harris of New York, Jacob M. Howard of Michigan, George H. Williams of Oregon, and *Reverdy Johnson* of Maryland.

On the part of the House. — Thaddeus Stevens of Pennsylvania, Elihu B. Washburne of Illinois, Justin S. Morrill of Vermont, John A. Bingham of Ohio, Roscoe Conkling of New York, George S. Boutwell of Massachusetts, Henry T. Blow of Missouri, *A. J. Rogers* of New Jersey, and *Henry Grider* of Kentucky.

sions of opinion that should operate as instructions to the new committee, but none of them were of marked importance, except as indicating the pronounced divergence of the two parties regarding the mode of reconstruction. Each political party, in such parliamentary declarations, seeks to get the advantage of the other and each is in the habit of overrating the importance of expressions in this form. They are diligently contrived for catches and committals to be subsequently used in political campaigns, but it may well be doubted whether they ever produce substantial effect upon legislation or prove either gainful or hurtful in partisan contests. The practice is somewhat below the dignity of a legislative body, has never been resorted to in the Senate and might with great advantage be abandoned by the House.

The debate on Reconstruction, perhaps the longest in the history of National legislation, was formally opened by Mr. Thaddeus Stevens on the 18th of December (1865). He took the most radical and pronounced ground touching the relation to the National Government of the States lately in rebellion. He contended that "there are two provisions in the Constitution, under one of which the case must fall." The Fourth Article says that "new States may be admitted by the Congress into this Union." "In my judgment," said Mr. Stevens, "this is the controlling provision in this case. Unless the law of Nations is a dead letter, the late war between the two acknowledged belligerents severed their original contracts and broke all the ties that bound them together. The future condition of the conquered power depends on the will of the conqueror. They must come in as new States or remain as conquered provinces." This was the theory which Mr. Stevens had steadily maintained from the beginning of the war, and which he had asserted as frequently as opportunity was given in the discussions of the House. He proceeded to consider the probable alternative. "Suppose," said he, "as some dreaming theorists imagine, that these States have never been out of the Union, but have only destroyed their State governments, so as to be incapable of political action, then the fourth section of the Fourth Article applies, which says, 'The United States shall guarantee to every State in this Union a republican form of government.'" "But," added he, "who is the United States? Not the Judiciary, not the President; but the sovereign power of the people, exercised through their representatives in Congress, with the concurrence of the Executive. It means political government — the con-

LUCIUS Q C LAMAR
SAMUEL J RANDALL
THOMAS F. BAYARD
ALEXANDER H STEPHENS
JAMES B BECK
BENJAMIN H HILL
AUGUSTUS H CARLAND

current action of both branches of Congress and the Executive." He intended his line of debate to be an attack, at the very beginning, upon the assumption of the President in his attempt at Reconstruction. "The separate action of the President, or the Senate or the House," added Mr. Stevens, "amounts to nothing, either in admitting new States or guaranteeing republican forms of government to lapsed or outlawed States." "Whence springs," asked he, "the preposterous idea that any one of these, acting separately, can determine the right of States to send representatives or senators to the Congress of the Union?"

Though many others had foreseen and appreciated the danger, Mr. Stevens was the first to state in detail the effect which might be produced by the manumission of the slaves upon the Congressional representation of the Southern States. He pointed out the fact that by counting negroes in the basis of representation, the number of representatives from the South would be eighty-three; excluding negroes from the basis of representation, they would be reduced to forty-six; and so long as negroes were deprived of suffrage he contended that they should be excluded from the basis of representation. "If," said he, "they should grant the right of suffrage to persons of color, I think there would always be white men enough in the South, aided by the blacks, to divide representation and thus continue loyal ascendency. If they should refuse to thus alter their election laws it would reduce the representation of the late slave States, and render them powerless for evil." Mr. Stevens's obvious theory at that time was not to touch the question of suffrage by National interposition, but to reach it more effectively perhaps by excluding the entire colored population from the basis of Congressional representation, until by the action of the Southern States themselves the elective franchise should be conceded to the colored population. As he proceeded in his speech, Mr. Stevens waxed warm with all his ancient fire on the slavery question. "We have," said he, "turned or are about to turn loose four million slaves without a hut to shelter them or a cent in their pockets. The diabolical laws of slavery have prevented them from acquiring an education, understanding the commonest laws of contract, or of managing the ordinary business of life. This Congress is bound to look after them until they can take care of themselves. If we do not hedge them around with protecting laws, if we leave them to the legislation of their old masters, we had better have left them in bondage. Their condition will be worse than that

of our prisoners at Andersonville. If we fail in this great duty now when we have the power, we shall deserve to receive the execration of history and of all future ages."

In conclusion Mr. Stevens declared that "Two things are of vital importance: first, to establish a principle that none of the rebel States shall be counted in any of the Amendments to the Constitution, until they are duly admitted into the family of States by the law-making power of their conqueror; second, it should now be solemnly decided what power can revive, re-create and re-instate these provinces into the family of States and invest them with the rights of American citizens. It is time that Congress should assert its sovereignty and assume something of the dignity of a Roman Senate." He denounced with great severity the cry that "This is a white man's Government." "If this Republic," said he with great earnestness, "is not now made to stand on solid principle, it has no honest foundation, and the Father of all men will still shake it to its centre. If we have not yet been sufficiently scourged for our national sin to teach us to do justice to all God's creatures, without distinction of race or color, we must expect the still more heavy vengeance of an offended Father, still increasing his afflictions, as he increased the severity of the plagues of Egypt until the tyrant consented to do justice, and when that tyrant repented of his reluctant consent and attempted to re-enslave the people, as our Southern tyrants are attempting to do now, he filled the Red Sea with broken chariots and drowned horses, and strewed the shores with the corpses of men. Sir, this doctrine of a white man's Government is as atrocious as the infamous sentiment that damned the late Chief Justice to everlasting fame, and I fear to everlasting fire."

The speech of Mr. Stevens gave great offense to the Administration. He had not directly assailed the President by name, and had even assumed to construe one of the paragraphs of the message as referring the question of reconstruction anew to Congress; but this assumption was simply for effect and was well known by Mr. Stevens to be unfounded. The Administration did not misapprehend the drift and intention of Mr. Stevens, and its members saw that it was the first gun fired in a determined war to be waged against its policy and its *prestige*. They were especially anxious that its defense should not be undertaken by Democrats, or at least that Democrats should not take the lead in defending it. Mr. Stevens spoke

on the 18th of December, and Congress had already voted to adjourn on the 21st for the Christmas recess. The Administration desired that Mr. Stevens's speech should not be permitted to go unanswered to the country and thus hold public attention until Congress should re-assemble in January. It was important that some response be made to it at once; and Mr. Henry J. Raymond, widely known to the political world but now in Congress for the first time, was selected to make the reply.

In a political career that was marked by many inconsistencies, as consistency is measured by the party standard, with a disposition not given to close intimacies or warm friendships, Mr. Raymond had continuously upheld the public course of Mr. Seward, and had maintained a singular steadiness of personal attachment to the illustrious statesman from New York. On the other hand, he was the rival of Horace Greeley in the field of journalism and had become personally estranged from the founder of the *Tribune;* though in his early manhood he had been one of his editorial assistants. The fact that the *Tribune* was against the Administration would of itself dispose Mr. Raymond to support it. But aside from this consideration, the chivalric devotion of Mr. Raymond to Mr. Seward would have great weight in determining his position in the pending conflict. Mr. Seward's committal to the policy and the assault upon it by the *New-York Tribune* would therefore through affection on the one side and prejudice on the other, naturally fix Mr. Raymond's position. He had acquired wide and worthy fame as conductor of the *New-York Times*, had achieved a high reputation as a polemical writer, was well informed on all political issues and added to his power with the pen the gift of ready and effective speech.

On the twenty-first day of December, the last day before the recess, Mr. Raymond, desiring the floor, was somewhat chagrined to find himself preceded by Mr. Finck of Ohio, a respectable gentleman of the Vallandigham type of Democrat, — representing a political school whose friendship to the Administration at that time was a millstone about its neck. Mr. Raymond followed Mr. Finck late in the day, and could not help showing his resentment that the ground which the Administration intended to occupy should be so promptly pre-empted by the anti-war party of the country. "I have," said Mr. Raymond at the opening of his speech, "no party feeling which would prevent me from rejoicing in the indications apparent on the Democratic side of the House, of a purpose to concur with the loyal

Administration of the Government and with the loyal majorities in both Houses of Congress in restoring peace and order to our common country. I cannot, however, help wishing, sir, that these indications of an interest in the preservation of our Government had come somewhat sooner. I cannot help feeling that such expressions cannot now be of as much use to the country as they might once have been. If we could have had from that side of the House such indications of an interest in the preservation of the Union, such heartfelt sympathy with the friends of the Government for the preservation of that Union, such hearty denunciations for all those who were seeking its destruction, while the war was raging, I am sure we might have been spared some years of war, some millions of money and rivers of blood and tears." This utterance was sharpened and made significant by the manner and by the accent of Mr. Raymond. No more pointed rebuke, no more keen reproach (not intended for Mr. Finck personally, but for his party) could have been administered. What the Administration or especially what Mr. Seward desired, and what Mr. Raymond was to speak for, was Republican support; and the prior indorsement of Mr. Johnson's position by the Democracy was a hinderance and not a help to the cause he had espoused.

Mr. Raymond's principal aim was to join issue with Mr. Stevens on his theory of *dead States*. "The gentleman from Pennsylvania," said Mr. Raymond, "believes that what we have to do is to create new States out of this conquered territory, at the proper time, many years distant, retaining them meanwhile in a territorial condition, and subjecting them to precisely such a state of discipline and tutelage as Congress and the Government of the United States may see fit to prescribe. If I believed in the premises he assumes, possibly though I do not think probably, I might agree with the conclusion he has reached; but, sir, I cannot believe that these States have ever been out of the Union or that they are now out of the Union. If they were, sir, how and when did they become so? By what specific act, at what precise time, did any one of those States take itself out of the American Union? Was it by the ordinance of secession? I think we all agree that an ordinance of secession passed by any State of the Union is simply a nullity because it encounters the Constitution of the United States which is the supreme law of the land.

"Did the resolutions of those States," continued Mr. Raymond, "the declarations of their officials, the speeches of the members of their Legislatures, or the utterances of their press, accomplish the

result desired? Certainly not. All these were simply declarations of a purpose to secede. Their secession, if it ever took place, certainly could not date from the time when their intention to secede was first announced. They proceeded to sustain their purpose of secession by arms against the force which the United States brought to bear against them. Were their arms victorious? If they were, then their secession was an accomplished fact. If not, it was nothing more than an abortive attempt — a purpose unfulfilled. They failed to maintain their ground by force of arms. In other words, they failed to secede."

Mr. Raymond's speech was listened to with profound attention, and evoked the high compliment of frequent interruptions from leading men on the Republican side of the House. Messrs. Schenck, Bingham and Spalding of Ohio, Mr. Jenckes of Rhode Island, and Mr. Kelley of Pennsylvania, all put pointed questions and were at once answered with undoubted tact and cleverness. Mr. Raymond was helped to a specious point by Mr. Niblack of Indiana, of which he made prompt and vigorous use, to the effect that the theory of Mr. Stevens, if carried to its legitimate consequences, would make those who resisted the Confederacy in the insurrectionary States guilty of treason to that power; and that therefore "we would be unable to talk of loyal men in the South. Loyal to what? Loyal to a foreign and independent power, which the gentleman from Pennsylvania was really maintaining the Confederacy for the time being to represent."

Immediately after the recess the Reconstruction debate was resumed, and an able speech made by Mr. Spalding of Ohio, reviewing the subject generally rather than specifically replying to Mr. Raymond. Representing one of the districts of the Western Reserve (the most radical section of the United States). it is interesting to see what Mr. Spalding declared would be satisfactory to the mass of his constituents as conditions precedent to the re-admission of the rebel States. He laid down five requirements: *First*, "to give a qualified right of suffrage to the freedmen in the District of Columbia;" *second*, to "so amend the Constitution of the United States that people of color shall not be counted with the population in making up the ratio of representation in Congress, except in those States where they are permitted to exercise the elective franchise;" *third*, "to insert a provision in the Constitution prohibiting nullification and secession;" *fourth*, "to insert a provision in the Constitution

prohibiting the repudiation of the National debt and also prohibiting the assumption of the rebel debt;" *fifth*, to provide in the Constitution that "no person who has at any time taken up arms against the United States shall ever be admitted to a seat in the Senate or House of Representatives."

On the eighth day of January, two days after the re-assembling of Congress, Mr. Shellabarger of Ohio specifically answered the speech of Mr. Raymond. He spoke with care and preparation, as was his habit. He wasted no words, but in clear, crisp sentences subjected the whole question to the rigid test of logic. "I shall inquire," said Mr. Shellabarger, "whether the Constitution deals with States. I shall discuss the question whether an organized rebellion against a government is an organized State in that government; whether that which cannot become a State until all its officers have sworn to support the Constitution, remains a State after they have all sworn to overthrow that Constitution. If I find it does continue to be a State after that, then I shall strive to ascertain whether it will so continue to be a Government — a State — after, by means of universal treason, it has ceased to have any constitution, laws, legislatures, courts, or citizens in it."

"If, in debating this question," continued Mr. Shellabarger, "I debate axioms, my apology is that there are no other questions to debate in Reconstruction. If," said he with well-timed sarcasm, "in the discussion, I make self-evident things obscure or incomprehensible, my defense shall be that I am conforming to the usages of Congress. I will not inquire whether any subject of this Government, by reason of the revolt, passed from under its sovereignty or ceased to owe it allegiance; nor shall I inquire whether any territory passed from under that jurisdiction, because I know of no one who thinks that any of these things did occur. I shall not consider whether, by the Rebellion, any State lost its territorial character or its defined boundaries or subdivisions, for I know of no one who would obliterate these geographical qualities of the States. These questions, however much discussed, are in no practical sense before Congress."

"What is before Congress?" asked Mr. Shellabarger. "I at once define and affirm it in a single sentence. It is, under our Constitution, possible to, and the late Rebellion did in fact, so overthrow and usurp, in the insurrectionary States, the loyal State Governments, as that during such usurpation such States and their people ceased to have any of the rights or powers of Government as States

of this Union, and this loss of the rights and powers of Government was such that the United States may, and ought to, assume and exercise local powers of the lost State Governments, and may control the re-admission of such States to their powers of Government in this Union, subject to, and in accordance with, the obligation to guarantee to each State a republican form of Government."

Upon the broad proposition thus laid down by Mr. Shellabarger, he proceeded to submit an argument, which for closeness, compactness, consistency and strength has rarely, if ever, been surpassed in the Congress of the United States. Other speeches have gained greater celebrity, but it may well be doubted whether any speech in the House of Representatives ever made a more enduring impression, or exerted greater convincing power, upon the minds of those to whom it was addressed. It was a far more valuable exposition of the Reconstruction question than that given by Mr. Stevens. It was absolutely without acrimony, it contained no harsh word, it made no personal reflection; but the whole duty of the United States, and the whole power of the United States to do its duty, were set forth with absolute precision of logic. The Reconstruction debate continued for a long time and many able speeches were contributed to it. While much of value was added to that which Mr. Shellabarger had stated, no position taken by him was ever shaken.

Mr. Raymond had asked repeatedly and with great emphasis *what specific act* had deprived these rebellious States of their rights as States of the Union. Mr. Shellabarger gave an answer to that question, which, as a caustic summary, is worthy to be quoted in full. "I answer him," said the member from Ohio, "in the words of the Supreme Court. 'The causeless waging against their own Government of a war which all the world acknowledge to have been the greatest civil war known in the history of the human race.' That war was waged by these people as States, and it went through long, dreary years. In it they threw off and defied the authority of your Constitution, your laws, and your Government. They obliterated from their State constitutions and laws every vestige of recognition of your Government. They discarded all their official oaths, and took, in their places, oaths to support your enemies' government. They seized, in their States, all the Nation's property. Their senators and representatives in your Congress insulted, bantered, defied and then left you. They expelled from their land or

assassinated every inhabitant of known loyalty. They betrayed and surrendered your arms. They passed sequestration and other Acts in flagitious violation of the law of nations, making every citizen of the United States an alien enemy, and placing in the treasury of their rebellion all money and property due such citizens. They framed iniquity and universal murder into law. For years they besieged your Capital and sent your bleeding armies in rout back here upon the very sanctuaries of your national power. Their pirates burned your unarmed commerce upon every sea. They carved the bones of your unburied heroes into ornaments and drank from goblets made out of their skulls. They poisoned your fountains, put mines under your soldiers' prisons, organized bands whose leaders were concealed in your homes, and whose commissions ordered the torch to be carried to your cities, and the yellow-fever to your wives and children. They planned one universal bonfire of the North, from Lake Ontario to the Missouri. They murdered, by systems of starvation and exposure, sixty thousand of your sons as brave and heroic as ever martyrs were. They destroyed, in the four years of horrid war, another army so large that it would reach almost around the globe in marching-columns. And then to give to the infernal drama a fitting close, and to concentrate into one crime all that is criminal in crime and all that is detestable in barbarism, they murdered the President of the United States."

"I allude to these horrid events," continued Mr. Shellabarger, "not to revive frightful memories, or to bring back the impulses towards the perpetual severance of this people which they provoke. I allude to them to remind us how utter was the overthrow and the obliteration of all government, divine and human, how total was the wreck of all constitutions and laws, political, civil and international. I allude to them to condense their monstrous enormities of guilt into one crime, and to point the gentleman from New York to it and to tell him that that was the *specific act*."

Mr. Voorhees of Indiana followed on the day succeeding Mr. Shellabarger's speech, in support of a series of resolutions which he had offered on the same day that Mr. Raymond addressed the House, still further embarrassing Mr. Raymond by the proffer of Democratic support, and proportionately discouraging the Republicans from coming forward in aid of the Administration. The resolutions of Mr. Voorhees declared in effect that "the President's message is regarded by the House as an able, judicious and patriotic State

paper;" that "the principles therein advocated are the safest and most practicable that can be applied to our disordered domestic affairs;" that "no State or number of States confederated together can in any manner sunder their connection with the Federal Union;" and that "the President is entitled to the thanks of Congress and the country for his faithful, wise and successful efforts to restore civil government, law and order to the States lately in rebellion." Mr. Voorhees made an exhaustive speech in support of these resolutions, indicating very plainly the purpose of the Democratic party to combine in support of the President. He was answered promptly and eloquently, though not without some display of temper, by Mr. Bingham of Ohio, who at the close of his speech moved a substitute for the series of propositions made by Mr. Voorhees — simply declaring that "this House has an abiding confidence in the President, and that in the future as in the past, he will co-operate with Congress in restoring to equal position and rights with the other States in the Union, the States lately in insurrection."

Up to this period there had been no outbreak of the Republican party against the President. There had been coolness and general distrust, with resentment and anger on the part of many, but the hope of his co-operation with the party had not yet been entirely abandoned. Mr. Bingham's resolution represented this hope, if not expectation, but the Republican members of the House were not willing to make so emphatic a declaration of their confidence as that resolution would imply; and when Mr. Bingham demanded the previous question he was interrupted by Mr. Stevens, who suggested that the whole subject be referred to the Joint Committee on Reconstruction. Mr. Bingham changed his motion accordingly; and the roll being called, the series of resolutions offered by Mr. Voorhees, with the substitute of Mr. Bingham, were sent to the Committee on Reconstruction by 107 *ayes* against 32 *noes*. Mr. Raymond and his colleague, Mr. William A. Darling, were the only Republicans who voted with the Democrats. The act was simple in a parliamentary sense, but its significance was unmistakable. A House, four-fifths of whose members were Republicans, had refused to pass a resolution expressing confidence in the President who, fourteen months before, had received the vote of every Republican in the Nation. From that day, January 9th, 1866, the relation of the dominant party in Congress to the President was changed. It may not be said that all hope of reconciliation was abandoned, but friendly co-operation to any common end became extremely difficult.

Mr. Raymond was bitterly disappointed. Few members had ever entered the House with greater personal *prestige* or with stronger assurance of success. He had come with a high ambition, — an ambition justified by his talent and training. He had come with the expectation of a Congressional career as successful as that already achieved in his editorial life. But he met a defeat which hardly fell short of a disaster. He had made a good reply to Mr. Stevens, had indeed gained much credit by it, and when he returned home for the holidays he had reason to believe that he had made a brilliant beginning in the parliamentary field. But the speech of Mr. Shellabarger had destroyed his argument, and had given a rallying-point for the Republicans, so incontestably strong as to hold the entire party in allegiance to principle rather than in allegiance to the Administration. If any thing had been needed to complete Mr. Raymond's discomfiture after the speech of Mr. Shellabarger, it was supplied in the speech of Mr. Voorhees. He had been ranked among the most virulent opponents of Mr. Lincoln's Administration, had been bitterly denunciatory of the war policy of the Government, and was regarded as a leader of that section of the Democratic party to which the most odious epithets of disloyalty had been popularly applied. Mr. Raymond, in speaking of the defeat, always said that the Democrats had destroyed Johnson by their support, and that he could have effected a serious division in the ranks of Republican members if he could have had the benefit of the hostility of Mr. Voorhees and other anti-war Democrats.

Three weeks after Mr. Shellabarger's reply Mr. Raymond made a rejoinder. He struggled hard to recover the ground which he had obviously lost, but he did not succeed in changing his *status* in the House, or in securing recruits for the Administration from the ranks of his fellow Republicans. To fail in that was to fail in every thing. That he made a clever speech was not denied, for every intellectual effort of Mr. Raymond exhibited cleverness. That he made the most of a weak cause, and to some extent influenced public opinion, must also be freely conceded. But his most partial friends were compelled to admit that he had absolutely failed to influence Republican action in Congress, and had only succeeded in making himself an apparent ally of the Democratic party — a position in every way unwelcome and distasteful to Mr. Raymond. His closing speech was marked by many pointed interruptions from Mr. Shellabarger and was answered at some length by Mr. Stevens. But nothing, beyond

a few keen thrusts and parries and some sharp wit at Mr. Raymond's expense, was added to the debate.

Mr. Raymond never rallied from the defeat of January 9th. His talents were acknowledged; his courteous manners, his wide intelligence, his generous hospitality, gave him a large popularity; but his alliance with President Johnson was fatal to his political fortunes. He had placed himself in a position from which he could not with grace retreat, and to go forward in which was still further to blight his hopes of promotion in his party. It was an extremely mortifying fact to Mr. Raymond that with the power of the Administration behind him he could on a test question secure the support of only one Republican member, and he a colleague who was bound to him by ties of personal friendship.

The fate which befell Mr. Raymond, apart from the essential weakness of the issue on which he staked his success, is not uncommon to men who enter Congress with great reputation already attained. So much is expected of them that their efforts on the floor are almost sure to fall below the standard set up for them by their hearers. By natural re-action they receive, in consequence, less credit than is their due. Except in a few marked instances the House has always been led by men whose reputation has been acquired in its service. Entering unheralded, free from the requirements which expectation imposes, a clever man is sure to receive more credit than is really his due when he is so fortunate as to arrest the attention of members in his first speech. Thenceforward, if he be discreet enough to move slowly and modestly, he acquires a secure standing and may reach the highest honors which the House can confer.

If, ambitious of a career, Mr. Raymond had been elected to Congress when he was chosen to the New-York Legislature at twenty-nine years of age, or five years later when he was made Lieutenant-governor of his State, he might have attained a great parliamentary fame. It has long been a tradition of the House that no man becomes its leader who does not enter it before he is forty. Like most sweeping affirmations this has its exceptions, but the list of young men who have been advanced to prominent positions in the body is so large that it may well be assumed as the rule of promotion. Mr. Raymond was nearly forty-six when he made his first speech in the House. While he still exhibited the intellectual acuteness and alertness which had always been his characteristics, there was apparent in his face the mental weariness which had come from the

prolonged and exacting labor of his profession. His parliamentary failure was a keen disappointment to him, and was not improbably one among many causes which cut short a brilliant and useful life. He died in 1869, in the forty-ninth year of his age.

This first debate on reconstruction developed the fact that the Democrats in Congress would endeavor to regain the ground they had lost by their hostility to Mr. Lincoln's Administration during the war. The extreme members of that party, while the war was flagrant, adhered to many dogmas which were considered unpatriotic and to none more so than the declaration that even in case of secession "there is no power in the Constitution to coerce a State." They now united in the declaration, as embodied in the resolution of Mr. Voorhees, that "no State or number of States confederated together can in any manner sunder their connection with the Federal Union." This was intended as a direct and defiant answer to the heretical creed of Mr. Stevens, that the States by their attempted secession were really no longer members of the Union and could not become so until regularly re-admitted by Congress. By antagonizing this declaration the Democrats strove to convince the country that it was the accepted doctrine of their political opponents, and that they were themselves the true and tried friends of the Union.

The great majority of the Republican leaders, however, did not at all agree with the theory of Mr. Stevens and the mass of the party were steadily against him. The one signal proof of their dissent from the extreme doctrine was their absolute unwillingness to attempt an amendment to the Constitution by the ratification of three-fourths of the Loyal States only, and their insisting that it must be three-fourths of all the States, North and South. Mr. Stevens deemed this a fatal step for the party, and his extreme opinion had the indorsement of Mr. Sumner; but against both these radical leaders the party was governed by its own conservative instincts. They believed with Mr. Lincoln that the Stevens plan of amendment would always be questioned, and that in so grave a matter as a change in the organic law of the Nation, the process should be unquestionable — one that could stand every test and resist every assault.

The Republicans, as might well have been expected, did not stand on the defensive in such a controversy with their opponents.

They became confidently aggressive. They alleged that when the Union was in danger from secession the Northern Democrats did all in their power to inflame the trouble, urged the Southern leaders to persevere and not yield to the Abolitionists, and even when war was imminent did nothing to allay the danger, but every thing to encourage its authors. Now that war was over, the Democrats insisted on the offending States being instantly re-invested with all the rights of loyalty, without promise and without condition. At the beginning of the war and after its close, therefore, they had been hand in hand with the offending rebels, practically working at both periods to bring about the result desired by the South. Their policy, in short, seemed to have the interests of the guilty authors of the Rebellion more at heart than the safety of the Union. Their efforts now to clothe the Southern conspirators with fresh power and to take no note of the crimes which had for four years drenched the land in blood, constituted an offense only less grave in the eyes of the Republicans than the aid and comfort given to the Rebellion in the hour of its inception.

These were the accusations and criminations which were exchanged between the political parties. They lent acrimony to the impending canvass and increased the mutual hostility of those engaged in the exciting controversy. The Republicans were resolved that their action should neither be misinterpreted by opposing partisans nor misunderstood by the people. They were confident that when their position should be correctly apprehended it would still more strongly confirm their claim to be the special and jealous guardians of the Union of the States — of a Union so strongly based that future rebellion would be rendered impossible, the safety and glory of the Republic made perpetual.

CHAPTER VII.

Senate Debate on Reconstruction. — Speech of Mr. Wilson. — Denounces the Pro-slavery Statutes of Southern States. — Reply of Reverdy Johnson — Mr. Sumner sustains Mr. Wilson. — Speeches of Willard Saulsbury and Mr. Cowan. — Earnest Debate before Holidays. — Embarrassment of the Republican Party. — The President's Presumed Strength. — Position of Commercial Men. — Firmness of Republican Members of Congress. — Contrasted with Conduct of Whigs in 1841. — Resolution of Mr. Cowan. — Mr. Sumner's Amendment. — Reports of Covode and Schurz called for. — President's Special Message. — Sends Report of Mr. Schurz and Lieutenant-General Grant. — Calls Special Attention to General Grant's Report. — Report apparently sustains the Administration. — Mr. Sumner denounces President's Message. — Compares Johnson to Pierce. — Mr. Schurz's Report submitted. — His Picture of the Southern Condition. — His Recommendations. — Favors Negro Suffrage. — How Mr. Schurz was selected. — Extent of his Tour in the South. — How General Grant was selected. — Extent of his Tour in the South. — Divergent Conclusions of the Two. — Subsequent Change of Position of Both. — Interesting Case in the United-States Senate. — John P. Stockton sworn in as Senator from New Jersey. — Protest against his Right to a Seat. — Judiciary Committee report in his Favor. — Debate in the Senate. — Mr. Clarke of New Hampshire. — Able Speech of Mr. Fessenden. — He examines the Constitutional Ground. — His Conclusive Reasoning. — Long Debate. — Decision against Mr. Stockton. — Important Results flowing from it. — Congress regulates Time and Manner of electing Senators. — Change from State Control to National Control. — Alexander G. Cattell succeeds Mr. Stockton. — Death of Mr. Wright. — Frederick T. Frelinghuysen succeeds him.

THE debate on the direct question of Reconstruction did not begin at so early a date in the Senate as in the House, but kindred topics led to the same line of discussion as that in which the House found itself engaged. During the first week of the session Mr. Wilson of Massachusetts had submitted a bill for the protection of freedmen, designed to overthrow and destroy the odious enactments which in many of the Southern States were rapidly reducing the entire negro race to a new form of slavery. Mr. Wilson's bill provided that "all laws, statutes, acts, ordinances, rules and regulations in any of the States lately in rebellion, whereby inequality of civil rights and immunities among the inhabitants

of said States is established or maintained by reason of differences of color, race or descent, are hereby declared null and void." For the violation of this statute a punishment was provided by fine of not less than five hundred dollars nor more than ten thousand dollars, and by imprisonment not less than six months nor more than five years.

In debating his bill Mr. Wilson declared that he had "no desire to say harsh things of the South nor of the men who have been engaged in the Rebellion. I do not ask their property or their blood; I do not wish to disgrace or degrade them; but I do wish that they shall not be permitted to disgrace, degrade or oppress anybody else. I offer this bill as a measure of humanity, as a measure that the needs of that section of the country imperatively demand at our hands. I believe that if it should pass it will receive the sanction of nineteen-twentieths of the loyal people of the country. Men may differ about the power or the expediency of giving the right of suffrage to the negro; but how any humane, just and Christian man can for a moment permit the laws that are on the statute-books of the Southern States and the laws now pending before their Legislatures, to be executed upon men whom we have declared to be free, I cannot comprehend."

Mr. Reverdy Johnson replied to Mr. Wilson in a tone of apology for the laws complained of, but took occasion to give his views of the status of the States lately in rebellion. "I have now," said Mr. Johnson, "and I have had from the first, a very decided opinion that they are States in the Union and that they never could have been placed out of the Union without the consent of their sister States. The insurrection terminated, the authority of the Government was thereby re-instated; *eo instanti* they were invested with all the rights belonging to them originally — I mean as States. . . . In my judgment our sole authority for the acts which we have done during the last four years was the authority communicated to Congress by the Constitution to suppress insurrection. If the power can only be referred to that clause, in my opinion, speaking I repeat with great deference to the judgment of others, the moment the insurrection was terminated there was no power whatever left in the Congress of the United States over those States; and I am glad to see, if I understand his Message, that in the view I have just expressed I have the concurrence of the President of the United States."

Mr. Sumner sustained Mr. Wilson's bill in an elaborate argument

delivered on the 20th of December. There was an obvious desire in both branches of Congress and in both parties — those opposed to the President's policy and those favoring it — to appeal to the popular judgment as promptly as possible, and this led to a prolonged and earnest debate prior to the holidays, an occurrence unusual and almost unprecedented. Mr. Sumner declared that Mr. Wilson's bill was simply to maintain and carry out the Proclamation of Emancipation. The pledge there given was that the Executive Government of the United States, including the military and naval authority thereof, would recognize and maintain the freedom of such persons. "This pledge," said Mr. Sumner, "is without limitation in space or time. It is as extended and as immortal as the Republic itself; to that pledge we are solemnly bound; wherever our flag floats, as long as time endures, we must see that it is sacredly observed. The performance of that pledge cannot be intrusted to another, least of all to the old slave-masters, embittered against their slaves. It must be performed by the National Government. The power that gave freedom must see that freedom is maintained."

"Three of England's greatest orators and statesmen," continued Mr. Sumner, "Burke, Canning and Brougham, at successive periods unite in declaring, from the experience of the British West Indies, that whatever the slave-masters undertook to do for their slaves was always arrant trifling; that whatever might be its plausible form it always wanted the executive principle. More recently the Emperor of Russia, in ordering the emancipation of the serfs, declared that all previous efforts had failed because they had been left to the spontaneous initiative of the proprietors." . . . "I assume that we shall not leave to the old slave-proprietors the maintenance of that freedom to which we are pledged, and thus break our own promise and sacrifice a race." In concluding his speech Mr. Sumner referred to the enormity of the wrongs against the freedmen as something that made the blood curdle. "In the name of God," said he, "let us protect them; insist upon guarantees; pass the bill under consideration; pass any bill, but do not let this crying injustice rage any longer. An avenging God cannot sleep while such things find countenance. If you are not ready to be the Moses of an oppressed people, do not become their Pharaoh."

Mr. Willard Saulsbury of Delaware made a brief reply to Mr. Sumner, not so much to argue the points put forward by the senator from Massachusetts, not so much to deny the facts related by him or

to discuss the principles which he had presented, as to announce that "it can be no longer disguised that there is in the party which elected the President an opposition party to him. Nothing can be more antagonistic than the suggestions contained in his Message and the speeches already made in both Houses of Congress." He adjured the President to be true and faithful to the principles he had foreshadowed, and pledged him "the support of two million men in the States which have not been in revolt, and who did not support him for his high office."

Mr. Cowan of Pennsylvania, one of the Republican senators who had indicated a purpose to sustain the President, was evidently somewhat stunned by Mr. Sumner's speech. He treated the outrages of which Mr. Sumner complained as exceptional instances of bad conduct on the part of the Southern people. "One man out of ten thousand," said Mr. Cowan, "is brutal to a negro, and that is paraded here as a type of the whole people of the South; whereas nothing is said of the other nine thousand nine hundred and ninety-nine men who treat the negro well." Mr. Cowan's argument was altogether inapposite; for what Mr. Sumner and Mr. Wilson had complained of was not the action of individual men in the South, but of laws solemnly enacted by Legislatures whose right to act had been recognized by the Executive Department of the National Government, and which had indeed been organized in pursuance of the President's Reconstruction policy, — almost in fact by the personal patronage of the President. The situation was one very difficult to justify by a man with the record of Mr. Cowan. He had been not merely a Republican before his entrance into the Senate but a radical Republican, taking ground in the campaign of 1860 only less advanced than that maintained by Mr. Thaddeus Stevens himself.

These debates in both Senate and House, at so early a period of the session, give a full and fair indication of the temper which prevailed in the country and in Congress. The majority of the members had not, at the opening of the session, given up hope of some form of co-operation with the President. As partisans and party leaders they looked forward with something of dismay to the rending of all relations with the Executive, and to the surrender of the political advantage which comes to the party and to the partisan from a close alliance between the Executive and Legislative Departments. On the re-assembling of Congress after the holidays a great change was seen and realized by all. It was feared by many, even of the most

conservative, that the policy of Congress and the policy of the President might come into irreconcilable conflict, and that the party which had successfully conducted the Government through the embarrassments, the trials and the perils of a long civil war, might now be wrecked by an angry controversy between two departments of the Government, each owing its existence to the same great constituency, — the loyal people of the North.

Circumstances suggested the impossibility of a successful contest against the President and the Democratic party united. Even those elections which result, in the exuberant language of the press, in an overwhelming victory on the one side and an overwhelming defeat on the other, are often found, upon analysis, to be based on very narrow margins in the popular result, the reversal of which requires only the change of a few thousand votes. This was demonstrated in many of the great States, even in the second election of Mr. Lincoln, when to the general apprehension he was almost unanimously sustained. From this fact it was well argued by Republicans in Congress that great danger to the party was involved in the impending dissension. Even the most sanguine feared defeat, and the naturally despondent already counted it as certain. Never before had so stringent a test of principle been applied to the members of both Houses. The situation was indeed peculiar. The great statesman who had been honored as the founder of the Republican party was now closely allied with the Administration. His colleague who had sat next him in the Cabinet of Mr. Lincoln, and who, in the judgment of his partial friends, was the peer of Mr. Seward both in ability and in merit, did not hesitate to show from the exalted seat of the Chief Justice his strong sympathy with the President.

The leading commercial men, who had become weary of war, contemplated with positive dread the re-opening of a controversy which might prove as disturbing to the business of the country as the struggle of arms had been, and without the quickening impulses to trade which active war always imparts. The bankers of the great cities, whose capital and whose deposits all rested upon the credit of the country and were invested in its paper, believed that the speedy settlement of all dissension and the harmonious co-operation of all departments of the Government were needed to maintain the financial honor of the nation and to re-instate confidence among the people. Against obstacles so menacing, against resistance so ominous, against an array of power so imposing, it seemed to be an act

of boundless temerity to challenge the President to a contest, to array public opinion against him, to denounce him, to deride him, to defy him.

It is to the eminent credit of the Republican members of Congress that they stood in a crisis of this magnitude true to principle, firm against all the power and all the patronage of the Administration. No unmanly efforts to compromise, no weak shrinking from duty, sullied the fame of the great body of senators and representatives. Even the Whig party in 1841, with Mr. Clay for a leader, did not stand so solidly against John Tyler as the Republican party, under the lead of Fessenden and Sumner in the Senate and of Thaddeus Stevens in the House, now stood against the Administration of President Johnson. The Whigs of the country, in the former crisis, lost many of their leading and most brilliant men, — a sufficient number indeed to compass the defeat of Mr. Clay three years later. The loss to the Republican party now was so small as to be unfelt and almost invisible in the political contests into which the party was soon precipitated. The Whigs of 1841 were contending only for systems of finance, and they broke finally with the President because of his veto of a bill establishing a fiscal agency for the use of the Government, — merely a National Bank disguised under another name. The Republicans of 1866 were contending for a vastly greater stake, — for the sacredness of human rights, for the secure foundation of free government. Their constancy was greater than that of the Whigs because the rights of person transcend the rights of property.

On the 12th of December Mr. Cowan had submitted a resolution requesting the President to furnish to the Senate information of "the condition of that portion of the United States lately in rebellion; whether the rebellion has been suppressed and the United States again put in possession of the States in which it existed; whether the United-States post-offices are re-established and the revenues collected therefrom; and also, whether the people of those States have re-organized their State governments; and whether they are yielding obedience to the laws and Government of the United States." Mr. Sumner moved an amendment, directing the President to furnish to the Senate at the same time "copies of such reports as he may have received from the officers or agents appointed to visit this portion of

the Union, including especially any reports from the Honorable John Covode and Major-General Carl Schurz." The President's message, sent to the Senate a week later, in response to this resolution, was brief, being simply a statement of what had been accomplished by his Reconstruction policy, with an expression of his belief that "sectional animosity is surely and rapidly merging itself into a spirit of nationality; that representation, connected with a properly adjusted system of taxation, will result in a harmonious restoration of the relations of the States to the National Union." He transmitted the report of Mr. Schurz and also invited the attention of the Senate to a report of Lieutenant-General Grant, who had recently made a tour of inspection through several of the States lately in rebellion.

The President evidently desired that General Grant's opinions concerning the South should be spread before the public. From the high character of the General-in-Chief and his known relations with the prominent Republicans in Congress, the Administration hoped that great influence would be exerted by the communication of his views. His report was short and very positive. He declared his belief that "the mass of thinking men of the South accept the present situation of affairs in good faith." At the same time he thought that "four years of war have left the people possibly in a condition not ready to yield that obedience to civil authority which the American people have been in the habit of yielding, thus rendering the presence of small garrisons throughout those States necessary until such time as labor returns to its proper channels and civil authority is fully established."

It was General Grant's opinion however that acquiescence in the authority of the General Government was so universal throughout the portions of the country he visited, that "the mere presence of a military force, without regard to numbers, is sufficient to maintain order." He urged that only white troops be employed in the South. The presence of black troops, he said, "demoralizes labor" and "furnishes in their camps a resort for freedmen." He thought there was danger of collision from the presence of black troops. His observations led him to the conclusion that "the citizens of the Southern States are anxious to return to self-government within the Union as soon as possible;" that "during the process of reconstruction they want and require protection from the Government;" that "they are in earnest, and wishing to do what they think is required by the Government, not humiliating to them as citizens;" and that "if

such a course were pointed out they would pursue it in good faith." "The questions," continued General Grant, "heretofore dividing the people of the two sections — slavery and the right of secession — the Southern men regard as having been settled forever by the tribunal of arms. I was pleased to learn from the leading men whom I met that they not only accepted the decision as final, but now that the smoke of battle has cleared away and time has been given for reflection, that this decision has been a fortunate one for the whole country." He suggested that the Freedmen's Bureau be put under command of military officers in the respective departments, thus saving the expense of a separate organization. This would create a responsibility that would secure uniformity of action throughout the South. His general characterization of the Bureau was, that it tended to impress the freedman with the idea that he would not be compelled to work, and that in some way the lands of his former master were to be divided among the colored persons.

The supporters of the Administration considered General Grant's report a strong justification of their position towards the South, and they used it with some effect throughout the country. The popularity of the Lieutenant-General was boundless, and of course there was strong temptation to make the most of whatever might be said by him. Mr. Sumner immediately demanded the reading of the report of Mr. Schurz. He likened the message of the President to the "whitewashing" message of President Pierce with regard to the enormities in Kansas. "That," said he, "is its parallel." Mr. Doolittle criticised the use of the word "whitewashing," and asked Mr. Sumner to qualify it, but the Massachusetts senator declared that he had "nothing to modify, nothing to qualify, nothing to retract. In former days there was one Kansas that suffered under a local power. There are now eleven Kansases suffering as one: therefore, as eleven is more than one so is the enormity of the present time more than the enormity of the days of President Pierce." Later in the debate, Mr. Sumner indirectly qualified his harsh words, saying that he had no reflection to make on the patriotism or the truth of the President of the United States. "Never in public or in private," said he, "have I made such reflection and I do not begin now. When I spoke I spoke of the document that had been read at the desk. I characterized it as I thought I ought to characterize it." The distinction he sought to make was not clearly apparent, the only importance attaching to it being that Mr. Sumner had not yet concluded that a bitter

political war was to be made upon the President of the United States.

The character of Mr. Schurz's report at once disclosed the reason of Mr. Sumner's anxiety to have it printed with the report of General Grant. It was made after a somewhat prolonged investigation in the States of South Carolina, Georgia, Alabama, Mississippi, and the Department of the Gulf. Mr. Schurz's conclusions were that the loyalty of the masses and of most of the leaders in the South "consists in submission to necessity." Except in individual instances, he found "an entire absence of that national spirit which forms the basis of true loyalty and patriotism." He found that "the emancipation of the slaves is submitted to only in so far as chattel-slavery in the old form could not be kept up; and although the freedman is no longer considered the property of the individual master he is considered the slave of society, and all independent State legislation will share the tendency to make him such. The ordinances abolishing slavery, passed by the conventions under the pressure of circumstances, will not be looked upon as barring the establishment of a new form of servitude." "Practical attempts," Mr. Schurz continued, "on the part of the Southern people to deprive the negro of his rights as a freedman may result in bloody collision, and will certainly plunge Southern society into resistless fluctuations and anarchical confusion."

These evils, in the opinion of Mr. Schurz, "can be prevented only by continuing the control of the National Government in the States lately in rebellion, until free labor is fully developed and firmly established. This desirable result will be hastened by a firm declaration on the part of the Government that national control in the South will not cease until such results are secured." It was Mr. Schurz's judgment that "it will hardly be possible to secure the freedman against oppressive legislation and private persecution unless he be endowed with a certain measure of political power." He felt sure of the fact that the "extension of the franchise to the colored people, upon the development of free labor and upon the security of human rights in the South, being the principal object in view, the objections raised upon the ground of the ignorance of the freedmen become unimportant."

Mr. Schurz made an intelligent argument in favor of negro suffrage. He was persuaded that the Southern people would never grant suffrage to the negro voluntarily, and that "the only manner

in which the Southern people can be induced to grant to the freedmen some measure of self-protecting power, in the form of suffrage, is to make it a condition precedent to re-admission." He remarked upon the extraordinary delusion then pervading a portion of the public mind regarding the deportation of the freedmen. "The South," he said, "stands in need of an increase and not a diminution of its laboring-force, to repair the losses and disasters of the last four years. Much is said of importing European laborers and Northern men. This is the favorite idea among planters, who want such emigrants to work on their plantations, but they forget that European and Northern men will not come to the South to serve as hired hands on the plantations, but to acquire property for themselves; and even if the whole European emigration, at the rate of two hundred thousand a year, were turned into the South, leaving not a single man for the North and West, it would require between fifteen and twenty years to fill the vacuum caused by the deportation of freedmen."

Mr. Schurz desired not to be understood as saying that "there are no well-meaning men among those who are compromised in the Rebellion. There are many, but neither their number nor their influence is strong enough to control the manifest tendency of the popular spirit." Apprehending that his report might be antagonized by evidence of a contrary spirit shown in the South by the action of their conventions, Mr. Schurz declared that it was "dangerous to be led by such evidence into any delusions." "As to the motives," said Mr. Schurz, "upon which the Southern people acted when abolishing slavery (in their conventions) and their understanding of the bearings of such acts, we may safely accept the standard they have set up for themselves." The only argument of justification was that "they found themselves in a situation where *they could do no better.*" A prominent Mississippian (General W. L. Brandon) said in a public card, according to Mr. Schurz, "My honest conviction is that we must accept the situation until we can once more get control of our own State affairs. . . . I must submit for the time to evils I cannot remedy." Mr. Schurz expressed his conviction that General Brandon had "only put in print what a majority of the people say in more emphatic language."

The report of Mr. Schurz was quoted even more triumphantly by the opponents of the President's policy than was General Grant's by its friends. It was a somewhat singular train of circumstances

that produced the two reports, while the sequel, so far as the authors were involved, was quite as remarkable as the contradictory character of the views put forth. In the early summer (1865) when Mr. Johnson had yielded many of his preconceived views of reconstruction to the persuasions of Mr. Seward, but was still adhering tenaciously to some exactions which the Secretary of State deemed unwise if not cruel, it had occurred to the President to procure an accurate and intelligent report of the Southern situation by a man of capacity. Mr. Johnson held at that particular time a middle ground, measuring from the original point of his extreme antagonism towards the Southern rebels to the subsequent point of his extreme antagonism towards the Northern Republicans. His selection of Mr. Schurz for the special duty was deemed significant, because at that period of a political career consistent only in the frequency and agility of its changes Mr. Schurz happened to take an extreme position on the Southern question — one that was in general harmony with the views entertained and avowed by Mr. Sumner. Mr. Schurz, according to his own declaration, had communicated his "views to the President in frequent letters and conversations," and added an assurance, the truth of which all who know Mr. Schurz will readily concede — "I would not have accepted the mission had I not felt that whatever preconceived opinions I might carry with me to the South I should be ready to abandon or modify, as my perception of facts and circumstances might command their abandonment or modification."

Mr. Schurz started on his mission in the early part of July, and was engaged in traveling, observing and taking copious notes until the middle of the ensuing autumn. His report did not reach the President until the month of November. In the intervening months Mr. Johnson had been essentially and rapidly changing his views, — growing more and more favorable to the Southern leaders, less and less in harmony with the Republican leaders. He had gone far beyond the balancing-point of impartiality, where he stood when he was willing to intrust the task of Southern investigation to a man of the radical views which Mr. Schurz then professed. He was now altogether unwilling to submit the report of Mr. Schurz to Congress as an *ex cathedra* exposition. If not in some way counterbalanced it would necessarily be considered authoritative, and in a certain sense accredited by the Administration.

It was the President's desire to neutralize the effect of Mr. Schurz's representations, which led to the report of General Grant,

the chief points of which have been already quoted. The Commander of the Army was necessarily in close relations with the Executive Department, and was recognized by the President as possessing an extraordinary popularity in the Northern States. During the months that had passed since the war closed General Grant had been received, wherever he had been induced to visit, with a display of enthusiasm never surpassed in our country. The people looked upon him simply as the illustrious soldier who had led the armies of the Union to victory. They attributed to him no political views except those of undying loyalty to his country, and they sought no party advantage from the use of his name. He had indeed made no partisan expressions, either during the war or since its close, on any subject whatever, except the necessity of maintaining the Union — and this was a partisan question only in consequence of the evil course pursued by the Democratic party during the closing years of the war.

On the civil and political aspects of the situation General Grant had not deemed it necessary to mature his views. He desired above all things the speedy restoration of the Southern States to the Union as the legitimate result of the victories in the field. But so far as action or even the exertion of any positive influence was involved, he confined himself strictly to his duties as Commander of the United-States Army. President Johnson saw an opportunity for turning the *prestige* of General Grant to the benefit of his Administration. Towards the close of November the general was starting South on a tour of military inspection "to see what changes were necessary in the disposition of the forces, and to ascertain how they could be reduced and expenses curtailed." The President requested him "to learn during his tour, as far as possible, the feelings and intentions of the citizens of the Southern States towards the National Government," — a request with which the general complied in a perfunctory manner, giving merely the impressions formed in the rapid journey of a few days. He left Washington on the 27th of November and passed through Virginia "without conversing or meeting with any of its citizens." He spent one day in North Carolina, one in South Carolina and two in Georgia. This was the whole extent of the observation upon which General Grant had innocently given his views, without the remotest suspicion that his brief report was to figure largely in the discussions of Congress upon the important and absorbing question of reconstruction.

The divergent conclusions which were thus made to appear between the authors of the conflicting reports did not cease with this single exhibition. It was soon perceived that in the President's anxiety to parry the effect of Mr. Schurz's report he had placed General Grant in a false position, — a position which no one realized more promptly than the General himself. Further investigation led him to a thorough understanding of the subject and to a fundamental change of opinion. It led him to approve the reconstruction measures of the Republican party, and in a subsequent and more exalted sphere to continue the policy which these measures foreshadowed and implied. Mr. Schurz, on the other hand, received new light and conviction in the opposite direction, and from the point of extreme Republicanism he gradually changed his creed and became, first a distracting element in the ranks of the party, and afterwards one of its malignant opponents in a great national struggle in which General Grant was the leader, — the aim of which struggle was really to maintain the views which Mr. Schurz had, with apparent sincerity, endeavored to enforce in his report to President Johnson. These changes and alternations in the position of public men are by no means unknown to political life in the United States, but in the case under consideration the actors were conspicuous, and for that reason their reversal of position was the more marked.

An interesting and important case, relating to the mode of electing United-States senators, came up for decision at this session and led to a prolonged debate, which was accompanied with much personal feeling and no little acrimony. — In the winter and spring of 1865 the Legislature of New Jersey was engaged in the duty of choosing a senator of the United States to succeed John C. Ten Eyck, whose term was about to expire. After many efforts at election it had been found that no candidate was able to secure "a majority of the votes of all the members elected to both Houses of the Legislature," which was described in the rule adopted by the joint convention of the two Houses as the requisite to election. On the 15th of March the convention rescinded this stringent rule and declared that "any candidate receiving a plurality of votes of the members present shall be declared duly elected." The Legislature was composed of a Senate with twenty-one members and an Assembly

with sixty members. The resolution giving to a plurality the power to elect was carried in the joint convention by a majority of one — forty-one to forty. In this vote eleven senators were in the affirmative and ten in the negative, and of the members of the House thirty were in the affirmative and thirty in the negative. It was therefore numerically demonstrated that the resolution could not have been carried with the two Houses acting separately. There would have been a majority of one in the Senate and a tie in the House.

Proceeding to vote under this new rule, John P. Stockton, the Democratic candidate, received forty votes, John C. Ten Eyck, the Republican candidate, thirty-seven votes, and four other candidates one vote each. Forty-one votes were thus cast against Mr. Stockton, but as he had secured a plurality he was duly elected according to the rule adopted by the joint convention. — Mr. Stockton was thirty-nine years of age at the time of his election. His family had been for several generations distinguished in the annals of New Jersey. His great-grandfather Richard Stockton was a member of the Continental Congress and was a signer of the Declaration of Independence; his grandfather Richard Stockton was a senator of the United States under the administrations of Washington and John Adams; his father was the well-known Commodore Robert F. Stockton, who was conspicuously effective as a naval officer in the conquest of California, and afterwards a senator of the United States. Mr. Stockton entered the Senate, therefore, with personal *prestige* and a good share of popularity with his party.

On the 20th of March, five days after the alleged election of Mr. Stockton, seven senators and thirty-one members of the Assembly forwarded to the Senate of the United States a protest against his admission, for the reason that he was not elected by a majority of the votes of the joint meeting of the Legislature. The substantial ground on which the argument in the protest rested, was that a Legislature means at least a majority of what constitutes the Legislature as convened at the moment of election. This had been, as they set forth at length, the undoubted law and the unbroken usage of New Jersey, and an election falling short of this primary requirement was necessarily invalid. "The Constitution of the United States directs," said this memorial, "that a senator must be chosen by the Legislature, and a minority does not constitute the Legislature." They illustrated the wrongfulness of the position by the *reductio ad absurdum*. "The consequences which are possible," argued the

protestants, "from admitting the right to elect by a plurality vote, furnish a conclusive argument against it. If two members vote for one person and every other member, by himself, for different individuals, the person having two votes would have a plurality. Can it be that in such a case he would be senator? This indeed is an extreme case, but such cases test the propriety of legal doctrine, and many equally unjust but less extreme may easily be offered."

Mr. Stockton took his seat on the first day of the ensuing session (December 4, 1865) and was regularly sworn in. At the same time the protest was presented by Mr. Cowan of Pennsylvania and referred to the Judiciary Committee. That committee was composed of five Republicans and two Democrats, and was therefore politically biased, if at all, against Mr. Stockton. On the 30th of January, after a patient examination of nearly two months, the committee, greatly to the surprise of the Republican side of the chamber, reported that "Mr. Stockton was duly elected and entitled to his seat." The report was said to have been approved by every member of the committee except Mr. Clark of New Hampshire. The validity or invalidity of the election hinged upon the ability of the joint convention of the two branches to declare a plurality sufficient to elect. The committee decided that the convention possessed that power, and the report, drawn by Mr. Trumbull, argued the point with considerable ingenuity.

The subject came up for consideration in the Senate on the 22d of March (1866), Mr. Clark, the dissenting member of the committee, leading off in debate. He was ably sustained by Mr. Fessenden, who left little to be said, as was his habit in debating any question of constitutional law. He maintained that "the Legislature, in the election of a United-States senator, is merely the agent of the Constitution of the United States to perform a certain act. It is therefore under the control of no other power. No provision of the Constitution of New Jersey, directing the mode in which a senator shall be elected, or the course that shall be taken, or the rules of the proceeding, would bind in any way the Legislature which is to perform the act. Nor would any law of a previous Legislature have binding force. The existing Legislature is independent of every thing except the Constitution of the United States; but while it is thus independent and may disregard those provisions, being the mere agent of the Federal Constitution, still it must necessarily act as a Legislature in the performance of that duty. There must be a

legislative act. . . . Whatever is done in relation to the election of a senator, must be done as a consequence of legislative action, otherwise it is no election by the Legislature. They vote to form a convention for the purpose of choosing a senator, and when they meet in convention that choice may be made. If there is legislative action previously that is sufficient. The convention can choose a senator because there has been legislative action which authorizes them to choose a senator in that form. The Legislature, when it votes to go into a convention of the two branches, may provide the mode of election. If it desires to change the ordinary and received law on the subject it may provide how the election shall be made. It may say that a plurality shall elect if it pleases. It may make any provision that it pleases, but it must be done by the Legislature. It must be the legislative body which gives the power that is to settle the mode of action. Now what are the facts in this case? There was no provision whatever made by the Legislature of the State of New Jersey as to the mode in which the senator should be chosen. The legislative action which authorized the convention was perfectly silent upon that subject. What then had the Legislature the right to conclude? Was it not this, and this only? — that when it authorized a body other than itself, though constituted of the same members, a convention to choose a senator, that body must proceed in the choice of a senator according to the universally received Parliamentary and common law upon the subject of elections. But this convention in New Jersey, without any legislative act, without any such authority conferred upon it, without any thing done on the subject by the Legislature which formed the body, undertook to say that they would change the received and acknowledged Parliamentary and common law in their mode of proceeding, and instead of acting according to that law, as the Legislature must have intended that it should do, would elect in a totally different manner from that prescribed by law, namely, by a plurality vote, for which they had no legislative sanction and for which there was no authority but their own will."

There was a long debate on the question, but the argument submitted by Mr. Fessenden was never refuted by his opponents, and it was practically repeated by every one who concurred in his general views. Mr. Stockton made an able presentation of his own case, perhaps better than any made for him, but he was never able to evade the point of Mr. Fessenden's argument, or even to dull it. The case came to a vote on the 23d of March, the first test coming upon an

amendment to the committee's report, which declared Mr. Stockton "not entitled to a seat." This amendment was defeated — *yeas* 19, *nays* 21. The vote was then taken on the direct question of declaring him entitled to his seat. At the conclusion of the roll-call the *yeas* were 21, the *nays* 20, when Mr. Morrill of Maine rose and asked to have his name called. He voted in the negative and produced a tie. Thereupon Mr. Stockton rose and asked to vote. No objection being interposed his vote was received. The result was then announced 22 *yeas* to 21 *nays*, thereby confirming Mr. Stockton in his seat. Mr. Stockton, disclaiming any intention to reflect upon Mr. Morrill, intimated that he was under the obligation of a pair with Mr. William Wright (the absent colleague of Mr. Stockton) and therefore should not have voted. The two had undoubtedly been *paired*, but Mr. Morrill considered that the time had expired and acted accordingly. He was not only a gentleman of scrupulous integrity, but in this particular case he had taken counsel with his colleague, Mr. Fessenden, and with Mr. Sumner, safe mentors, and was advised by both that he had a clear right to vote. It cannot be denied however that Mr. Morrill's action created much ill-feeling on the Democratic side of the Senate.

Mr. Stockton's determination to vote must have been taken very hastily, without due reflection on his own part and without the advice of his political associates, who should have promptly counseled him against his unfortunate course. The Parliamentary position of the question, at the moment he committed the blunder of voting, was advantageous to him on the record. The Senate had defeated by a majority of two the declaration that he was not entitled to a seat, and the declaration in his favor, even after Mr. Morrill's negative vote, stood at a tie. Nothing therefore had been done to unseat him, and if he had left it at that point he would still have remained a member by the *prima facie* admission upon his regular credentials.

These proceedings took place on Friday and the Senate adjourned until Monday. Meanwhile the obvious impropriety of Mr. Stockton's vote upon his own case had deeply impressed many senators, and on Monday, directly after the Journal was read, Mr. Sumner raised a question of privilege and moved that the Journal of Friday be amended by striking out the vote of Mr. Stockton on the question of his seat in the Senate. He did this because, being on the defeated side, he could not move a reconsideration; but Mr. Trumbull and Mr. Poland, who had sustained Mr. Stockton's right to a seat, both

offered to move a reconsideration, because they believed that he had no right to vote on the question. Mr. Poland made the motion and it was unanimously agreed to. Then, instead of urging the correction of the Journal of Friday, Mr. Sumner proposed a resolution declaring that "the vote of Mr. Stockton be not received in determining the question of his seat in the Senate," which was agreed to without a division. The original resolution being again before the Senate, Mr. Clark renewed his amendment declaring that John P. Stockton was not elected a senator from New Jersey, on which the *yeas* were 22 and the *nays* 21. As thus amended the resolution passed by 23 *yeas* to 20 *nays*. Mr. Riddle of Delaware voted with the majority for the purpose of moving a reconsideration on a succeeding day — a privilege from which he was excluded by the action of Mr. Clark of New Hampshire, who made the motion at once with the object of securing its defeat and thereby exhausting all power to renew the controversy. Mr. Clark of course voted against his own motion, and with its rejection Mr. Stockton ceased to be a member of the Senate.

More than half of those who sustained Mr. Stockton's right to his seat were Republicans, or had, until the current session of Congress, acted with the party. The majority of a single vote by which he was ejected would have been neutralized if Mr. Stockton's colleague could have been present. Mr. Wright was ill at his home in Newark and contradictory reports were made as to the time when he could probably be present. Some of the Republicans justified their urgent demand for a final vote on the belief entertained by them that Mr. Wright would never appear in the Senate again. As matter of fact he resumed his seat eight days after the decision of Mr. Stockton's case. His vote would have changed the result. The haste with which the question was brought to a decision can hardly be justified, and is a striking illustration of the intense party-feeling which had been engendered by the war. In a matter so directly affecting the interests and the feelings of the people of New Jersey it was certainly a hardship that the voice of the State was not heard. With one senator excluded from voting by parliamentary law and the other absent by reason of physical disability, Mr. Stockton had good ground for declaring that the Senate had not treated him with magnanimity or generosity. It is due to Mr. Stockton to say that under very trying circumstances he bore himself with moderation and dignity.

In the decision itself, however, there has been general acquies-

cence, and it led to an important reform in the manner of choosing United-States senators. The well-known Act of July 26, 1866, "regulating the time and manner of holding elections for senators in Congress," was the direct fruit of the Stockton controversy. Though it may not be perfect in all its details that law has done much to insure the fair and regular choice of senators. It has certainly accomplished a great deal by preventing various objectionable devices, which prior to its enactment had marked the proceedings of every senatorial election where the Legislature was almost equally divided between political parties. The reluctance to interfere with the supposed or asserted rights of States had too long delayed this needful exercise of National power. The Constitution provides that "the times, places and manner of holding elections for senators and representatives in Congress shall be prescribed in each State by the Legislature thereof; *but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.*"

There was a reluctance in the early administration of the Federal Government to assume any function which had been given alternatively to the States. It thus came to pass that many methods were developed in different States for choosing senators, — methods that widely differed in their essential characteristics. Hence there was variety, and even contrariety, where there should have been only unity and harmony. These divergent practices had been allowed to develop for seventy-seven years of the nation's life, when, admonished by the Stockton case of the latitudinary results to which loose methods might lead, Congress took jurisdiction of the whole subject. The exercise of this power was a natural result of the situation in which the nation was placed by the war. Previous to the civil conflict every power was withheld from the National Government which could by any possibility be exercised by the State Government. Another theory and another practice were now to prevail; for it had been demonstrated to the thoughtful statesmen who then controlled the Government, that every thing which may be done by either Nation or State may be better and more securely done by the Nation. The change of view was important and led to far-reaching consequences.

Alexander G. Cattell succeeded Mr. Stockton and served in the Senate with usefulness and high credit until March 4, 1871. He had

been all his life engaged in commercial affairs, but had taken active part in politics and had held many positions of trust in his native State. In 1844, at twenty-eight years of age, he was a member of the Constitutional Convention of New Jersey and made his mark in its proceedings. His upright character, his recognized ability and his popular manners had given him a strong hold upon the people of his State.

William Wright, the colleague of Mr. Stockton, who was unable from illness to vote on his case, died the ensuing November (1866) at seventy-two years of age. He served two terms (1843–47) in the House of Representatives from the Newark district as a Whig, and was a zealous supporter of Mr. Clay in 1844. He was a wealthy manufacturer, largely engaged in trade with the South, and the agitation of the slavery question became distasteful to him. In 1850 he united with the Democratic party and was sent to the Senate in 1853.

Frederick Theodore Frelinghuysen was chosen as Mr. Wright's successor. He was in his fiftieth year when he entered the Senate, but was known as a distinguished member of the New-Jersey Bar and had served as Attorney-General of his State. His grandfather, Frederick Frelinghuysen, was a member of the Continental Congress and a senator during Washington's second term. His uncle, Theodore Frelinghuysen, was a senator during the first term of Jackson and ran for Vice-President on the ticket with Mr. Clay in 1844. The family came with the early emigration from Holland and soon acquired a hold upon the confidence of the people of New Jersey which has been long and steadily maintained. — Mr. Frelinghuysen soon attained prominence in the Senate, and grew in strength and usefulness throughout his service in that body.

CHAPTER VIII.

The President offended. — Adverse Vote in Congress surprises him. — Freedmen's Bureau established. — Major-General Howard appointed Commissioner. — His Character. — Deficiency of the Bureau. — Supplementary Act. — Its Provisions. — Conflict with State Power. — Long Debate. — Speech of Ignatius Donnelly. — The President's Veto. — Severe Attack upon the Policy. — Expense of the Bureau. — Senate fails to pass Bill over Veto. — Another Bill to Same Effect passed. — More guarded in its Provisions. — President vetoes the Second Bill. — Senate and House pass it over the Veto. — Unpopularity of the Measure. — Senator Trumbull introduces Civil Rights Bill. — Its Provisions. — Radical in their Effect. — Speech of Reverdy Johnson. — Debate in the House. — President vetoes the Bill. — Makes Elaborate Argument against it. — Exciting Debate on Veto. — Mr. Trumbull's Speech. — Severe Review of President's Course. — Exciting Speech of Mr. Wade. — Illness of Mr. Wright. — Severe Remarks of Mr. McDougal and Mr Guthrie. — Debate in the House. — Both Branches pass Bill over Veto. — Radical Character of the Measure. — Relations of President and Congress. — Openly Hostile. — Popular Meeting in Washington. — President's Action approved. — President's Speech 22d of February. — Its Undignified and Violent Character. — Calls Men by Name. — Unfavorable Impression upon the Country. — The President losing Ground. — Republicans in Congress Anxious. — Exciting Period. — Senator Lane of Kansas. — His Political Defection. — His Suicide. — Personal History. — His Public Services. — Suicide of Preston King. — Supposed Reasons for the Act.

WITH the disposition manifested in both Houses of Congress it was feared that the conflict between the Legislative and Executive Departments of the Government would assume a virulent and vindictive spirit. It was known that President Johnson was deeply offended by the indirect refusal of the House to pass any resolution in the remotest degree approving his course. He had doubtless been led to believe that the influence of such eminent Republicans as Mr. Seward in his Cabinet, Mr. Cowan and Mr. Doolittle in the Senate and Mr. Raymond in the House, would bring about so considerable a division in the Republican ranks as to give the Administration, by uniting with the Democratic party, the control of Congress, or at least of one branch. The test vote of January 9th was an unwelcome demonstration of the degree to which the Presi-

dent had almost wilfully deceived himself and had been innocently deceived by others. He foresaw the struggle and with his combative nature prepared for it.

On the last day of the preceding Congress, March 3, 1865, an Act had been passed to establish a bureau for the relief of freedmen and refugees. It was among the very last Acts approved by Mr. Lincoln, and was primarily designed as a protection to the freedmen of the South and to the class of white men known as "refugees," — driven from their homes by the rebels on account of their loyalty to the Union. Protection was needed by both classes during the disorganization necessarily incident to so great and sudden a change in their condition and in their relations to society. The total destruction of the long-established labor system of the South — based as it had been on chattel-slavery — led inevitably to great confusion, indeed almost to social anarchy. The result was that many of the freedmen, removed from the protection of their old masters, were exposed to destitution and to many forms of suffering. But for the interposition of the National Government there was serious danger that thousands of them might be reduced to starvation. Having taken the responsibility of freeing them, first by Proclamation of the President and then by Amendment of the Constitution, it would have been a lasting reproach to the Government not to extend protection and assistance to such of them as were thrown into dire extremity of want. They could not be left to the chance relief of the alms-giver, for their number was too large. The white population of the South were themselves reduced almost to poverty by the long struggle; and even if they had been able they were in no mood to extend relief to negroes who, as they believed, had been wrongfully released from slavery.

The Act provided that the Bureau should have supervision and management of all abandoned lands and control of all subjects relating to freedmen and refugees from Rebel States, under such regulations as might be prescribed by the Commissioner at the head of the Bureau and by the President. The Secretary of War was authorized "to direct such issues of provisions, clothing and fuel as he may deem needful for the immediate and temporary shelter and supply of destitute and suffering refugees and freedmen and their wives and children, under such rules and regulations as he may approve." The Commissioner was authorized to lease, for a term of three years, to every male citizen, whether refugee or freedman, not more than forty

acres of the lands which had been abandoned by their owners or confiscated to the United States, at a rental of six per cent on the last appraised value. At the end of three years the occupant was entitled to purchase and receive the land, with such title as the United States could convey, at a price proportioned to the rental value. Very little permanent advantage came to the negro from this provision; for the abandoned lands were legally reclaimed by their owners and the confiscations, few in number, could, by the Constitution, be only for the life of the owner. Temporary relief however was afforded; but much harm was done by creating in the minds of ignorant freedmen, just redeemed from slavery, the belief that the Government would give to each of them "forty acres of land and a mule."

The Commissioner selected was Major-General Oliver O. Howard, who had gone through the war with marked honor. He was a lieutenant of ordnance when Sumter was fired upon and a brigadier-general in the regular army three years later. He had discharged his military duties with steadiness, intelligence, earnestness and courage. He was a man of pure character, of deep religious faith, and was somewhat an exception to West-Point graduates in being from the outset thoroughly anti-slavery in his intellectual and moral convictions. It was the possession of these characteristics which led Secretary Stanton to select General Howard for the important trust. For his ease and his peace of mind he should have declined the place, as he might well have done, since it was not a military duty to accept. During his administration of the office he was subjected to unreasonable fault-finding, often to censure and obloquy; but throughout the whole he bore himself with the honor of a soldier and the purity of a Christian, — triumphantly sustaining himself throughout a Congressional investigation set on foot by political malice, and confronting with equal credit a military inquiry which had its origin in the jealousy that is often the bane of army service.

On the first attempt to enforce the provisions of the original Act, its advocates and sympathizers found that it did not go far enough, nor give power enough to its agents to effect the desired object. On the 12th of January, therefore, Mr. Trumbull introduced from the Judiciary Committee a supplementary Act to enlarge the powers of the Freedmen's Bureau. By the new bill the President was authorized to "divide the section of country containing the refugees into districts, not exceeding twelve in number, each containing one or more

States, and with the advice and consent of the Senate to appoint an Assistant Commissioner for each district." The Bureau, at the discretion of the President, might be placed under a Commissioner and Assistant Commissioners to be detailed from the Army. Sub-districts, not to exceed the number of counties or parishes in each State, were provided for; and to each sub-district an agent, either a citizen or officer of the Army, might be detailed for service. Each Assistant Commissioner might employ not more than six clerks. The President of the United States, through the War Department and through the Commissioner, was authorized to extend military jurisdiction and protection over all employees, agents and officers of the Bureau; and the Secretary of War was authorized to issue such provisions, clothing, fuel and other supplies, including medical stores, and to afford such aid, as he might deem needful for the immediate and temporary shelter and supply of destitute refugees and freedmen, their wives and children, under such rules and regulations as he might direct. The President was also authorized to reserve from sale or settlement under the Homestead and Pre-emption Laws, public lands in Florida, Mississippi and Arkansas, not to exceed three millions of acres of good land in all, for the use of the freedmen, at a certain rental to be named in such manner as the Commissioner should by regulation prescribe; or the Commissioner could purchase or rent such tracts of land in the several districts as might be necessary to provide for the indigent refugees and freedmen depending upon the Government for support.

It was further provided that wherever in consequence of any State or local law any of the civil rights or immunities belonging to white persons, such as the right to enforce contracts, to sue, to give evidence, to inherit, purchase, lease, sell, hold or convey real and personal property, were refused or denied to freedmen on account of race or color or any previous condition of slavery or involuntary servitude, or whenever they were subjected to punishment for crime different from that provided for white persons, it was made the duty of the President, through the Commissioner, to extend military jurisdiction and protection over all cases affecting persons against whom such unjust discriminations were made. It was made the duty of the officers and agents of the Bureau to take jurisdiction of and to hear and determine all cases, in which by local law discrimination was made against the freedmen. This was to be done under such rules and regulations as the President, through the Commissioner, might

prescribe. But the jurisdiction was to cease "whenever the discrimination on account of which it is conferred shall cease," and was in no event to be exercised in any State "in which the ordinary course of judicial proceeding has not been interrupted by the Rebellion, nor in those States after they shall have been fully restored to their constitutional relations to the United States, and when the courts of the State and of the United States, within their limits, are not disturbed or stopped in the peaceable course of justice."

In a time of peace these provisions seemed extraordinary, but the condition of affairs, in the judgment of leading Republican statesmen, justified their enactment. The Thirteenth Amendment, about to be formally promulgated by the Executive Department of the Government, as incorporated in the Constitution, had made every negro a free man. The Southern States had responded to this Act of National authority by enacting a series of laws which really introduced, as has already been shown, a new, offensive and most oppressive form of servitude. Thus not only was rank injustice contemplated by the States lately in rebellion, but they conveyed also an insulting challenge to the authority of the Nation. It was as if they had said to the National Government: "In order to destroy the Confederacy and restore the Union you have manumitted these black men; but we will demonstrate to you, by our local legislation, that you are powerless to give them any further freedom than we are willing to concede, and we defy you to show by what means you can achieve it!"

The first answer of the National Government to this defiance was Mr. Trumbull's bill conferring upon the Freedmen's Bureau a degree of power which combated and restrained the Southern authorities at every point where wrong was committed or menaced. It was designed for the purpose of extending to the freedman protection against all the wrongs of local legislation, and to make him feel that the Government which had freed him would not desert him and allow his release from slavery to be made null and void. Mr. Johnson's policy of declaring all the States at once restored to the Union and in full possession of their powers of local legislation, would carry with it necessarily the confirmation of the odious laws already enacted in those States, and also the power to make them as stringent and binding upon the freedmen as the discretion of Southern legislators might dictate. The war would thus have practically injured

the negro, for after taking from him that form of protection which slavery afforded, it would have left him an object of still harsher oppression than slavery itself — an oppression that would be inspired and quickened by a spirit of vengeance.

The bill was debated at full length, nearly every prominent man in the Senate taking part. Mr. Hendricks of Indiana and Mr. Garrett Davis of Kentucky opposed it in speeches of excessive bitterness, and Mr. Guthrie of Kentucky with equal earnestness but less passion. It was sustained with great ability by all the leading Republican senators; and on the final passage, in an unusually full Senate, the vote in its favor was 37; those opposed were 10. There were only three absentees. Even those Republican senators who had given strong evidence of sympathy with the Administration did not unite with the Democrats on this issue. Mr. Cowan declined to vote, while Messrs. Dixon, Doolittle and Norton voted in the affirmative. The public opinion of the country unmistakably sustained this legislation — the purpose to extend protection to the freedmen being deep-set and all-pervading among the men of the North who had triumphed in the war. When the bill reached the House it was referred to the Select Committee on Freedmen's Affairs, of which Mr. Thomas D. Eliot of Massachusetts was chairman. It was promptly reported and came to a final vote on the 6th of February, when it was passed on a call of yeas and nays by 136 to 33. It was a clear division upon the line of party, the nays being composed entirely of Democrats, with the possible exception of Mr. Rousseau of Kentucky, who had been elected with the aid of Republican votes.

One of the most striking speeches made in the House upon the subject was by Mr. Ignatius Donnelly of Minnesota. He had carefully prepared for the debate and dwelt with great force upon the educational feature. "Education," said he, "means the intelligent exercise of liberty; and surely without this liberty is a calamity, since it means simply the unlimited right to err. Who can doubt that if a man is to govern himself he should have the means to know what is best for himself, and what is injurious to himself, what agencies work against him and what for him? The avenue to all this is simply education. Suffrage without education is an edged tool in the hands of a child, — dangerous to others and destructive to himself. Now what is the condition of the South in reference to all this? I assert that it is such as would bring disgrace upon any

despotism in Christendom. The great bulk of the people are rude, illiterate, semi-civilized: hence the Rebellion; hence all the atrocious barbarities that accompanied it. . . . I repeat, the condition of the South in this respect would be shameful to any semi-civilized people, and is such as to render a republican government, resting upon the intelligent judgment of the people, an impossibility."

It is worthy of remark that the question so cogently presented and enforced by Mr. Donnelly — that of the connection between education and suffrage — disclosed the general fact that even among Republicans there was no disposition at this period to confer upon the negro the right to vote. Even so radical a Republican as Mr. Fessenden, during the debate in the Senate on this question, said, "I take it that no one contends — I think the Honorable Senator from Massachusetts himself (Mr. Sumner), who is the great champion of universal suffrage, would hardly contend — that now, at this time, the whole of the population of the recent slave States is fit to be admitted to the exercise of the right of suffrage. I presume no man who looks at the question dispassionately and calmly could contend that the great mass of those who were recently slaves (undoubtedly there may be exceptions), and who have been kept in ignorance all their lives, oppressed and more or less forbidden to acquire information, are fitted at this stage to exercise the right of suffrage, or could be trusted to do it unless under such good advice as those better informed might be prepared to give them."

The bill, as finally passed by both Houses, reached the President on the 10th of February. On the 19th he sent a message to Congress informing each House that, having with much regret come to the conclusion that it would not be consistent with the public welfare to give his approval to the measure, he returned the bill to the Senate, stating his objections to its becoming a law. The main argument of the President was based upon the principle that legislation such as that contained in the bill was not proper for States that were deprived of their right of representation in both branches of Congress. "The Constitution," he said, "imperatively declares, in connection with taxation, that each State shall have at least one representative, and fixes the rule for the number to which in future times each State shall be entitled. It also provides that the Senate of the United States shall be composed of two senators from each State, and adds with peculiar force that no State, without its consent, shall be deprived of its equal suffrage in the Senate. . . .

Burdens have now to be borne by all the country, and we may best deem that they shall be borne without murmur when they are voted by a majority of the representatives of all the people. . . . At present all the representatives of eleven States are excluded, those who were most faithful during the war not less than others. The State of Tennessee, for instance, whose authorities were engaged in rebellion, was restored to all her Constitutional relations to the Union by the patriotism and energy of her patriot people. I know no reason why the State of Tennessee should not fully enjoy all her Constitutional relations. . . . The bill under consideration refers to certain of the States as though they had not been fully restored in all their Constitutional relations to the United States. If they have not let us at once act together to secure that desirable end at the earliest possible moment. In my judgment most of these States, so far at least as depends upon their own acts, have already been fully restored and should be deemed as entitled to enjoy their Constitutional rights as members of the Union."

He reviewed at some length the minor provisions of the bill, objected to them as unwarrantably interfering with the local administration of justice, and declared that a system for the support of indigent persons in the United States was never contemplated by the authors of the Constitution. "Nor can any good reason be advanced," said the President, "why as a permanent establishment it should be founded for one class or color of our people more than another." He objected to it on the ground of its expense. "The appropriations asked for by the Freedmen's Bureau, as already established, for the current year, amount," he said, "to $11,745,000; and it may be safely estimated that the cost to be incurred under the pending bill will require double that amount, — more than any sum expended in any one year of the Administration of John Quincy Adams."

The argument of the message based on expense and extravagance was much applauded by the opponents of the Republican party, and there was great expectation that it would create a strong re-action in favor of the President; but those who thus reckoned utterly failed to appreciate the temper of the public mind. The disbursement of vast sums in the war had accustomed the people to large appropriations of money, and the pecuniary aspect of the case, upon which the President had much relied, made far less impression than he anticipated. The philanthropists did not deem the question at issue to be

one of dollars and cents; and those less disposed to sympathize with the humanitarian aspects of the subject had not yet learned the lesson of economy which the adversity of after years taught them. The great expansion of our currency, the ease with which money had been obtained, and the extravagance with which it had been expended in all the walks of life, produced in the minds of the people an indifference to the question of economy. The President, in his own long career, had exercised a rigid watchfulness over the disbursements of public money, and he did not fully realize the great change which had been wrought in the people — a change sure to follow the condition of war if historic precedents may be trusted — a change in which economy gives way to lavishness and careful circumspection is followed by loose disregard of established rules. It is a condition not implying dishonesty or even recklessness, but one which follows from a positive inability in the public mind to estimate the expenditure of money by the standards which are applied in the era of peaceful industry, careful supervision and prudent restraint.

The Senate voted upon the veto the day after it was received. Greatly to the surprise of the public the dominant party was unable to pass the bill against the objections of the President. Messrs. Dixon, Doolittle, Morgan, Norton and Van Winkle had voted for it, but now changed their votes and thereby reversed the action of the Senate. These senators, with the addition of Nesmith and Willey, who did not vote on the passage of the bill, gave the final count of 30 in favor of the passage to 18 against — lacking the two-thirds and therefore failing to pass the bill. The result was wholly unlooked for and the vote of Governor Morgan of New York gave great uneasiness to his political associates. It was for a time believed that under the persuasive influence of Mr. Seward, with whom he had long been on terms of close intimacy, Mr. Morgan might be intending to join the Administration party. The same was thought possible with regard to Mr. Van Winkle of West Virginia, his location suggesting the possibility of such a change. The excitement among Republicans was great for a time, because if they should so far lose control of either branch of Congress as to be unable to override the vetoes of the President, all attempts to enforce a more radical policy of Reconstruction than Mr. Johnson could be induced to approve would necessarily be futile. It was soon ascertained however, that the apprehension of danger was unfounded, and that Messrs. Morgan and Van Winkle did not design any change

of political relations, but were only more cautious and perhaps wiser than the other Republican senators.

A few weeks later, the disaster of the veto — for such it was esteemed by Republicans — was repaired by the passage of another bill, originating in the House. This was simply a bill to continue in force the original Freedmen's Bureau Act, with some enlarging provisions to make it more effective. The Act was so framed as to escape the objections which had controlled some of the Republican votes that sustained the President's veto. Among the most important of the changes were the limitation of the statute to the term of two years and a serious modification of the judicial powers accorded to the officers of the Bureau in the preceding bill. It was not so elaborately debated in either branch as was the original act, but its passage was retarded by the interposition of other measures and it did not reach the President until the first week in July.

The President promptly returned the bill to the House with his veto. He found it to fall within the objections which he had assigned in his message vetoing the Senate bill on the same subject. He believed that the only ground upon which this kind of legislation could be justified was that of the war-making power. He admitted therefore that the original Act organizing a Freedmen's Bureau, passed during the existence of the war, was proper and Constitutional. By its own terms it would end within one year from the cessation of hostilities and the declaration of peace. It would probably continue in force, he thought, as long as the freedmen might require the benefit of its provisions. "It will certainly," said he, "remain in operation as a law until some months subsequent to the meeting of the next session of Congress, when, if experience shall make evident the necessity of additional legislation, the two Houses will have ample time to mature and pass the requisite measures." The President renewed in varied forms the expression of his belief that all the States should be admitted to the privilege of legislation, especially in matters affecting their own welfare. The House proceeded at once to vote upon the reconsideration of the bill, and by 104 in the affirmative and 33 in the negative passed it over the veto of the President. The Senate voted on the same day with the House, and passed it against the President's objections by 33 in the affirmative and 12 in the negative. A measure of very great importance to the colored race was thus completed, after serious agitation in both Houses and against two vetoes by the President. It required potent

persuasion, re-enforced by the severest exercise of party discipline, to prevent a serious break in both Houses against the bill. The measure had lost, under discussion, much of the popularity which attended its first introduction in Congress.

On the same day that Mr. Trumbull introduced his original bill to enlarge the powers of the Freedmen's Bureau, he introduced another bill, more important in its scope and more enduring in its character, — a bill "to protect all persons of the United States in their civil rights and furnish the means of their vindication." It was referred to the Judiciary Committee on the 5th day of January and was reported back on the 11th. The bill was one which exemplified in a most striking manner the revolution produced by the war. It declared that "there shall be no discrimination in civil rights or immunities among the inhabitants of any State or Territory of the United States, on account of race, color or previous condition of servitude; but the inhabitants of every race and color shall have the same right to make and enforce contracts, to sue, be parties, give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to full and equal benefits of all laws and provisions for the security of personal property; and shall be subject to like punishment, fines and penalties, and none other, — any law, statute, ordinance, regulation or custom to the contrary notwithstanding."

Any person who under any law, statute or regulation of any kind should attempt to violate the provisions of the Act, would be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year. Very stringent provisions were made, and a whole framework of administration devised, by which the rights conferred under this enactment could be enforced through "the judicial power of the United States." The district attorneys, marshals, deputy marshals of the United States, the commissioners appointed by the Circuit and Territorial Courts of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who was sufficiently empowered by the President of the United States, were, by the Act, specially authorized and required, at the expense of the United States, to institute proceedings against every person who should violate its provisions, and "cause him or them to be arrested and imprisoned for trial at such court of the United States or Territorial court as, by the Act, has cognizance of the case." Any person who should obstruct or hinder an

officer in the performance of his duty or any person lawfully assisting him in the arrest of an offender, or who should attempt to rescue any person from the custody of an officer, was in turn subjected to severe penalties.

The bill was designed, in short, to confer upon the manumitted negro of the South the same civil rights enjoyed by the white man, with the exception of the right of suffrage; to give him perfect equality in all things before the law, and to nullify every State law, wherever existing, that should be in conflict with the enlarged provisions of the Federal statute. It left no loophole for escape on the question of the citizenship of the negro. As the decisions of the Supreme Court of the United States then stood he was not a citizen of the United States; and to prevent this question being raised the word *inhabitant* was used, — thus making the conferment of civil rights so broad that it was impossible to defeat the full intent of the law by any technical evasion. It was undoubtedly a very sweeping enactment, the operation of which was not confined to the States which had been slave-holding, but bore directly upon some of the free States where the negro had always been deprived of certain rights fully guaranteed to the white man.

Lest "inhabitant" might be held to mean "citizen" in the connection in which it was used Mr. Trumbull proposed, at the initial point of the discussion, to amend by inserting the declaration that "all persons born in the United States and not subject to any foreign power are hereby declared to be citizens of the United States without distinction of color." Mr. Guthrie of Kentucky and Mr. Howard of Michigan both asked whether that would naturalize all the Indians in the United States. Mr. Trumbull thought not, because "we deal with the Indians as foreigners — as separate nations;" but he was willing to change it so as specifically to exclude Indians. Mr. Cowan asked "whether the amendment would not have the effect of naturalizing children of Chinese and gypsies born in this country." Mr. Trumbull replied that it undoubtedly would. Mr. Cowan then thought it would be proper to hear the senators from California on that question, because "at the present rate of emigration the day may not be very distant when California, instead of belonging to the Indo-European race, may belong to the Mongolians, may belong to the Chinese." Mr. Trumbull inquired if the children of Chinese born in this country were not citizens? Mr. Cowan thought they were not.

Mr. Reverdy Johnson of Maryland pointed out a difficulty not anticipated by Mr. Trumbull. By using the word *inhabitant* in the bill he made it impossible for any State in the Union to "draw any distinction between citizens who have been there from birth, or have been residents for a long time, and him who comes into the State now for the first time as a foreigner. He becomes at once an inhabitant. If he comes from England or from any of the countries of the world he becomes that moment an inhabitant; and if this bill is to pass in the shape it stands he can buy, he can sell, he can hold, he can inherit and be inherited from and possess all the rights of a native-born citizen," without being naturalized. Mr. Johnson pointed out another difficulty which perhaps the senator from Illinois did not foresee. Many of the States in the North as well as in the South forbade the marriage of a black man with a white woman or a white man with a black woman. This law would destroy all State power over the subject; and the man who offended in the matter of marriage between the races, so far from being punished himself, could bring the judge who attempted to enforce the law against him into punishment. The bill, after much elaboration of debate and many amendments offered and defeated, came to a vote on the 2d of February and was passed by 33 *yeas* to 12 *nays*. Mr. Dixon of Connecticut, one of the Administration Republicans, voted for the bill; Mr. Cowan and Mr. Norton against it: Mr. Doolittle did not vote.

The bill immediately went to the House, and on the 1st of March that body proceeded to consider it without its reference to the Judiciary Committee. Mr. Wilson of Iowa, chairman of that committee, said they had considered it informally, and in order to save time it was brought up for action at once. The first amendment offered was to strike out "inhabitants" and insert "citizens of the United States," and thus avoid the embarrassments that might result from giving it so broad an extension. The amendment was promptly agreed to. Mr. Wilson, by another amendment, removed the difficulties suggested in the Senate by Reverdy Johnson, touching the question of marriage between the races. He supported the bill in a speech of great strength and legal research. He admitted at the outset that "some of the questions presented by the measure are not entirely free from defects. Precedents, both judicial and legislative, are found in sharp conflict concerning them. The line which divides these precedents is generally found to be the same which separates the early from the later days of the Republic. The

farther the Republic drifted from the old moorings of the equality of human rights, the more numerous became the judicial and legislative utterances in conflict with some of the leading features sought to be re-established by this bill."

The debate was continued by Mr. Rogers of New Jersey, in the opposition, by Mr. Russell Thayer of Pennsylvania, who made an uncommonly able speech in its favor, and by Mr. Eldridge of Wisconsin, who tersely presented the objections entertained by the Democratic party to such legislation. There were some apprehensions in the minds of members on both sides of the House that the broad character of the bill might include the right of suffrage, but to prevent that result Mr. Wilson moved to add a new section declaring that "nothing in this Act shall be so construed as to affect the laws of any State concerning the right of suffrage." Mr. Wilson said that the amendment he proposed did not change his own construction of the bill; he did not believe the term "civil rights" included the right of suffrage; he offered it simply from excessive caution, because certain gentlemen feared trouble might arise from the language of the bill. The amendment was unanimously agreed to, not one voice on either side of the House being raised against it. Mr. Bingham, Mr. Raymond and other prominent members of the House, to the number of forty in all, debated the bill exhaustively. It was passed by 111 *yeas* to 38 *nays*.

The bill reached the President on the 18th of March (1866), and on the 27th he sent to the Senate a message regretting that it contained provisions which he could not approve. "I am therefore constrained," he said, "to return it to the Senate, in which it originated, with my objections to its becoming a law." The President stated that by the first section the Chinese of the Pacific States, Indians subject to taxation, the people called gypsies, as well as the entire race designated as black, — people of color, negroes, mulattoes, and persons of African blood, — "are made citizens of the United States." The President did not believe that this class possessed "the requisite qualifications to entitle them to all the privileges and immunities of citizens of the United States." He sought to raise prejudice against the bill because it proposed "to discriminate against large numbers of intelligent, worthy and patriotic foreigners, in favor of the negro, to whom, after long years of bondage, the avenues to freedom and intelligence have now been suddenly opened." "It is proposed," he said, "by a single legislative enactment to

confer the rights of citizens upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth who make our land their home must undergo a probation of five years, and can then only become citizens of the United States upon the proof that they are of good moral character, attached to the principles of the Constitution of the United States, and well disposed towards the good order and happiness of the same."

The President sought to impress upon Congress, in strong language, the injustice of advancing four millions of colored persons to citizenship "while the States in which most of them reside are debarred from any participancy in the legislation." He found many provisions of the bill in conflict with the Constitution of the United States as it had been hitherto construed, and argued elaborately against its expediency or necessity in any form. "The white race and the black race," said the President, "have hitherto lived in the South in the relation of master and slave, — capital owning labor. Now suddenly the relation is changed and as to the ownership, capital and labor are divorced. In this new relation, one being necessary to the other, there will be a new adjustment, which both are deeply interested in making harmonious. . . . This bill frustrates this adjustment. It intervenes between capital and labor and attempts to settle questions of political economy through the agency of numerous officials, whose interest it will be to foment discord between the two races, for as the breach widens their employment will continue and when the breach is closed their occupation will terminate."

"The details of this bill," continued the President, "establish for the security of the colored race safeguards which go infinitely beyond any that the General Government has ever provided for the white race; in fact, the distinction between white and colored is by the provisions of this bill made to operate in favor of the colored and against the white race." "The provisions of the bill," he maintained, "are an absorption and assumption of power by the General Government, which, being acquiesced in, must eventually destroy our federative system of limited power and break down the barriers which preserve the rights of States. It is another step, or rather stride, towards centralization and the concentration of all legislative power in the General Government. The tendency of the bill must be to resuscitate rebellion and to arrest the progress of those influ-

ences which are more closely thrown around the States — the bond of union and peace."

The debate upon the President's veto was not very prolonged but was marked by excitement approaching to anger. Mr. Trumbull, who had charge of the bill, analyzed the President's argument with consummate ability and readily answered him on every point of Constitutional law which he had adduced. He did more than this. He pointed out with unflinching severity what he considered the demagogical features of the message. "The best answer," said Mr. Trumbull, "to the President's objection that the bill proposes to make citizens of Chinese and gypsies and his reference to the discrimination against foreigners, is to be found in a speech delivered in this body by the President himself, on the occasion of a message being sent to the Senate by Mr. Buchanan, then President of the United States, returning with his objections what was known as the Homestead Bill. On that occasion Senator Johnson of Tennessee said, 'This idea about poor foreigners somehow or other bewilders and haunts the imagination of a great many. I am constrained to say that I look upon this objection to the bill as a mere quibble on the part of the President, as being hard pressed for some excuse in withholding his approval of the measure. His allusion to foreigners in this connection looks to me more like the *ad captandum* of the mere politician or demagogue, than a grave and sound reason to be offered by the President of the United States in a veto message on so important a measure as the Homestead Bill.'"

In exposing the inconsistency between Andrew Johnson, President of the United States, and Andrew Johnson, Senator from Tennessee, Mr. Trumbull said that he would not use as harsh language as Mr. Johnson had used towards President Buchanan when he accused him of "quibbling and demagogery." Mr. Trumbull argued with great force that the citizen has a counter-claim upon the Government for the comprehensive claim which the Government has upon the citizen. "It cannot be that we have constituted a government," said Mr. Trumbull, "which is all-powerful to command the obedience of the citizen but has no power to afford him protection." "Tell it not, sir," said he, "to the father whose son was starved at Andersonville, or the widow whose husband was slain at Mission Ridge, or the little boy who leads his sightless father through the streets of your city, or the thousand other mangled heroes to be seen on every side of us to-day, that this Government, in defense of which the son

and the husband fell, the father lost his sight and the others were maimed and crippled, had the right to call these persons to its defense, but now has no power to protect the survivors or their friends in any rights whatever in the States. Such, sir, is not the meaning of our Constitution: such is not the meaning of American citizenship. Allegiance and protection are reciprocal rights."

During the progress of the debate a curious incident showed the temper engendered in the Senate. Mr. Trumbull, on the 5th of April, intimated his readiness to have the vote taken if the Senate was ready. It was late in the evening. Mr. Cowan interposed the suggestion that two senators detained at home by illness, Mr. Dixon of Connecticut and Mr. Wright of New Jersey, could not with safety come out at night. The point of courtesy was strongly insisted upon by Mr. Guthrie, Mr. Hendricks and other members. Mr. Wade spoke very excitedly in reply to it. "If the President of the United States," said he, "can impose his authority upon a question like this and can by a veto compel Congress to submit to his dictation, he is an emperor and a despot. Because I believe the great question of Congressional power and authority is at stake here, I yield to no importunities on the other side. I feel myself justified in taking every advantage which the Almighty has put in my hands to defend the power and authority of this body. I will not yield to these appeals of comity on a question like this, but I will tell the President and everybody else that if God Almighty has stricken a member of this body so that he cannot be here to uphold the dictation of a despot, I thank him for it and I will take every advantage of it I can."

Mr. Wade was answered with great severity by Mr. McDougal of California. Mr. Guthrie spoke with much spirit, but not with the temper of Mr. McDougal. "I should not like it to go out from this body," said the senator from Kentucky, "that Mr. Stockton was removed to get rid of his vote. I do not want it to go out from this body that we would not extend courtesy to sick senators because we could pass a bill without their votes when we might not pass it if they were here. The time will come when the people, being convinced of these things, will say that there is more to be feared from a combined Congress than from a President, in relation to the liberties of the people." The angry position of Mr. Wade was not sustained by the Senate and the motion to adjourn was carried by 33 to 12. The debate continued throughout the next day and disclosed during

its progress that Senator Lane of Kansas had joined the small band of Administration Republicans. He attempted to take part in the debate but was unmercifully dealt with by Mr. Wade, Mr. Trumbull and others, and paid dearly for his personal defection. When the vote was taken upon passing the bill over the President's veto the *ayes* were 33 and the *noes* 15. Every senator was present except Mr. Dixon of Connecticut, still detained from the Senate by illness. There was one vacancy, Mr. Stockton's seat not having yet been filled. Among the nays were Mr. Cowan, Mr. Doolittle, Mr. Lane of Kansas, Mr. Norton and Mr. Van Winkle.

The bill went to the House and after a very brief debate came to a vote on the 9th of April — *yeas* 122, *nays* 41. Speaker Colfax directed that his name should be called in order that he might have the honor of recording himself for the bill. He then announced that having received the vote of two-thirds of each House the Civil Rights Bill had become a law, the President's objections to the contrary notwithstanding. The announcement was received with an outburst of applause, in which the members of the House as well as the throng of spectators heartily joined — the speaker being unable to restore order for several minutes. It recalled the scene of a little more than a year before, when the rejoicing over the passage of the Thirteenth Amendment was equally demonstrative.

To many persons of conservative mind the bill seemed too radical — to many it seemed positively rash. It was an illustration of how rapidly public opinion is changed, and with what force it may be brought to bear on a given question in a period that is filled with the spirit of revolutionary excitement. If five years before the most pronounced anti-slavery man in the country had been told that not only would slavery be abolished, not only would the slave be transformed into a citizen, but that the National Government would confer upon him all the civil rights pertaining to the white man and would stretch forth its arm to protect him in those rights throughout the limits of the Republic, it would have seemed to him as the wildest fancy of a distempered brain. But this had actually come to pass through the ordinary forms of legislation, and by such a preponderating display of senatorial and representative strength as had scarcely ever before controlled a public policy since the foundation of the Government.

It was not, of course, without some misgiving, without a certain timidity and distrust, that many Republicans were brought to the support of these measures. They did not object to their inherent and essential justice and rightfulness, but with instinctive caution they feared that an attempt to wipe away the prejudices of two centuries in a single day might lead to a dangerous re-action, and to a consequent change in the political control of the country. Many who were borne along in the irresistible current of aggressive reform dreaded all the more the effect of the votes which the moral and political pressure of their constituents compelled them to give. In the Constitutional amendment abolishing slavery they went forward without distrust, with complete approbation of conscience, with undoubting belief in the expediency of the act. They knew that the great mass of the North was heartily opposed to slavery: they knew that its abolition was not merely right but was destined to be popular. It affected moreover only that great section of country which had engaged in the crime of rebellion; and if it were viewed only as a punishment of those who had sought the destruction of the Government, they felt more than justified in inflicting it.

But the legislation now accomplished was of a different type. In no State of the North had there ever been social equality between the negro and the white man. It had been most nearly approached in New England; but still there were points of prejudice which time had not effaced nor custom changed. In the Middle and Western States the feeling was much deeper. In many of their laws a discrimination was made against the negro, and a direct interference with the habits of loyal communities on this subject involved many considerations which did not in any degree attach to legislation affecting only the Southern States. There was among Democratic leaders a confidence as marked as the timidity on the part of Republicans. They were sure of a re-action in their favor; they believed that the Republicans had taken the step which would prove fatal to them, and that with the prejudices of the people supplemented by the patronage of the President a serious division would ensue, which would prove fatal to Radical ascendency in a majority of the Northern States. Overcome in both chambers by the aggressive force of a majority which transcended the limit of two-thirds, they congratulated themselves that this very power, beyond the restraint of the Executive and exercised in defiance of his

opinions, would prove the pitfall of Republicanism wherever race prejudice was kept alive.

The passage of these bills by Congress, their persistent veto by the President and their re-enactment against his objections, produced, as had been anticipated, not only an open political hostility, but one which rapidly advanced to a condition in which violent epithet and mutual denunciation indicated the deplorable relations of the two great departments of the Government. The veto of the Freedmen's-Bureau Bill, on the 19th of February, was followed by a large popular meeting in Washington, on the 22d, to approve the President's action. The meeting adjourned to the White House to congratulate the President, and he in turn made a long speech in which he broke through all restraint, and spoke his mind with exasperating frankness. "I have," said the President, "fought traitors and treason in the South. I opposed Davis, Toombs, Slidell, and a long list of others whose names I need not repeat; and now, when I turn around at the other end of the line, I find men — I care not by what name you call them (a voice: 'Call them traitors') — who still stand opposed to the restoration to the Union of these States. (A voice: 'Give us their names.') A gentleman calls for their names. Well! suppose I should give them? I look upon them, I repeat it as President or citizen, as being as much opposed to the fundamental principles of this Government, and believe they are as much laboring to pervert or destroy them, as were the men who fought against them in the Rebellion. (A voice: 'Give us the names.') I say Thaddeus Stevens of Pennsylvania. (Tremendous applause.) I say Charles Sumner. (Tremendous applause.) I say Wendell Phillips and others of the same stripe are among them. (A voice: 'Give it to Forney.') Some gentleman in the crowd says, 'Give it to Forney.' I have only to say that I do not waste my ammunition upon dead ducks." (Laughter and applause.) . . . "They may traduce me," continued the President, "they may slander me, they may vituperate, but let me say to you that it has no effect upon me; and let me say in addition that I do not intend to be bullied by my enemies. . . . There is an earthquake coming, gentlemen: there is a ground-swell coming of popular judgment and indignation. The American people will speak for their interests, and they will know who are their friends and who their enemies. What positions have I held under this Government? — beginning with an alderman and running through all the branches of the Legislature. (A voice: 'From a tailor up.') Some

gentleman says I have been a tailor. (Tremendous applause.) Now that did not discomfit me in the least; for when I used to be a tailor I had the reputation of being a good one and of making close fits (great laughter); always punctual with my customers and always did good work. (A voice: 'No patchwork.') No: I do not want any patchwork. I want a whole suit. But I will pass by this little facetiousness. . . . I was saying that I had held nearly all positions, from alderman, through both branches of Congress, to that which I now occupy; and who is there that will say Andrew Johnson ever made a pledge that he did not redeem or made a promise that he did not fulfill?"

Some one had spoken in Congress about the Presidential obstacle to be gotten out of the way. Mr. Johnson interpreted this as meaning personal violence to himself. "I make use," said he, "of a very strong expression when I say that I have no doubt the intention was to incite assassination and so get out of the way the obstacle to place and power. Whether by assassination or not, there are individuals in this Government, I doubt not, who want to destroy our institutions and change the character of the Government. Are they not satisfied with the blood which has been shed? Does not the murder of Lincoln appease the vengeance and wrath of the opponents of this Government? Are they still unslaked? Do they still want more blood? I am not afraid of the assassin attacking me where a brave and courageous man would attack another. I only dread him when he would go in disguise, his footsteps noiseless. If it is blood they want let them have courage enough to strike like men."

The speech produced a very unfavorable impression upon the country. Its low tone, its vulgar abuse, recalled Mr. Johnson's unhappy words at the time of his inauguration as Vice-President, and produced throughout the country a feeling of humiliation. His effort to make it appear that his political opponents meditated assassination was regarded as a thoroughly unscrupulous declaration, as an unworthy attempt to place himself beside Lincoln in the martyrdom of duty — to suggest that as Lincoln had fallen, sacrificed to the spirit of hostility in the South, so he, in pursuing his line of duty, was in danger of being sacrificed to hostility in the North. The delivery of this speech was the formal forfeiture of the respect and confidence of the great majority of the people who had elected him to his place, and he failed to secure compensation by gaining the respect or confidence of those who had opposed him. A few Democrats

who wished to worry and divide the Republican party, the place-hunters who craved the favor of the Executive, a few deserters from the Republican ranks unable to pursue the path of exacting duty, represented by their combination a specious support for the President. Natives of the border States, who had been unwilling to join in treasonable demonstrations against the Government but who had not been inspired with sufficient loyalty to join actively in its defense, now naturally rallied around Mr. Johnson. The residents of Washington, consisting at that time of Southern men and Southern sympathizers, now applauded the President because they saw an opportunity to distract and defeat the Republican party. But the entire mass of those who were now eager to sustain the President exhibited but a pitiable contrast with the magnificent party which he had voluntarily abandoned.

The increasing fierceness of the struggle between the President and Congress gave rise to every form of evil suspicion and evil imputation. The close vote on the Civil Rights Bill admonished the Republicans of their danger. If Mr. Dixon had not been confined to his house by illness, if Mr. Stockton had not been a few days before deprived of his seat, the Administration would have been able to rally seventeen votes in the negative, leaving but thirty-three to the Republicans out of a Senate of fifty members. The exigencies of the situation presented the strongest possible temptation to take every fair advantage, and this naturally led to the imputation of unfair advantage. A large number of honest-minded opponents believed that a careful calculation had been made by the Republican leaders, and that they had found the margin so close as to be unsafe in a contest with the President. If the margin had been broader and the two-thirds vote assured past all reasonable danger, it was asserted, and no doubt believed, by their opponents, that the Constitution would not have been strained to exchange Mr. Stockton for a Republican senator, who was sure to succeed him. It was the first attempt in our history to establish the policy of the Government without regard to the President, and indeed against his power. In the case of President Tyler the reverse had been practically attempted. In his controversy with the Whigs his friends constituted more than a third in each House — thus making his veto effective and leading him to attempt the adminstration of the Government without regard to the opinions of Congress. Mr. Tyler had failed; but thus far in the controversy with Johnson, Congress had succeeded. It was said, how-

ever, with great pertinency by the friends of the President, that Congress was enabled to do this only by the exclusion of eleven States of the Union from representation; and from this fact came the Democratic denunciation of the Republican party for administering the affairs of the Government in a revolutionary spirit.

The narrow escape of the measure again created great uneasiness, not only among the Republicans in Congress but throughout the country. One or two more defections would imperil Republican control of the Senate. The loyalty of every member to his party was therefore scanned with closest observation. Rumors, gossip, inventions of all kinds were set afloat in the public press, — hinting first at one man and then at another among the Republican senators as likely to weaken, as about going over to the Administration, as having just had a confidential interview with Mr. Seward, as dining the evening before with the President, or as being concerned in some matter of even less consequence. When public interest is heightened the imagination of the people is stimulated, until trifles light as air have fatal significance in one direction or the other. Throughout the spring and early summer of 1866 (the tentative period, as it may be called, in fixing the relations of the President and Congress) this suggestion of doubt, this latent apprehension, continued, and was not indeed wholly removed until the political lines were definitely drawn by the elections for representatives to Congress in the ensuing autumn.

The situation in all its bearings was one of peculiar embarrassment, beset with extraordinary difficulties to those who directed the proceedings of Congress. In reviewing the events of that day, whatever may be thought respecting their wisdom and expediency, candid men of all parties will concede that the Republican leaders exhibited great determination of purpose, remarkable steadiness of nerve and unflagging devotion to principle. They were absolutely without precedent to guide them in the exigencies and emergencies of the situation. It was well said at the time that the framers of the Constitution in 1787 were not confronted with difficulties so grave or surrounded with problems so complex and unproved, as were the leaders of Congress during the period of Reconstruction. The framers of the Constitution met for one purpose, upon which all were agreed. They had only to reconcile differences of detail and to adjust the jealousies of local interest; but in 1866 Congress was called upon to exclude the President practically from all share in the

law-making power, and to charge him on his oath of duty to faithfully execute laws, against which he had constantly entered his solemn protest, not only as inexpedient but as unconstitutional. Perhaps a man of more desperate resolution than Mr. Johnson might have used his Executive power more effectively against Congress, but he must have done so at the expense of his fidelity to sworn obligations. The practical deduction as to the working of our Governmental machinery, from the whole experience of that troublous era, is that two-thirds of each House, united and stimulated to one end, can practically neutralize the Executive power of the Government and lay down its policy in defiance of the efforts and the opposition of the President.

The defection of Senator Lane of Kansas from the ranks of the most radical Republicanism caused great surprise to the country. He had been so closely identified with all the tragic events in the prolonged struggle to keep slavery out of Kansas, that he was considered to be an irreconcilable foe to the party that tolerated or in any way apologized for its existence. The position he had taken in voting against the Civil Rights Bill worried and fretted him. He keenly felt his separation from the sympathy of such men as Sumner, Chandler, Wade, and the whole host who had nobly fought the battle of Kansas in the halls of Congress. He felt still more keenly the general and somewhat indignant disapproval of his action, freely expressed by the great mass of his constituents. One of his intimate friends said that on the very day of his vote he received a telegram warning him that if he voted against the bill it would be the mistake of his life. The telegram reached him after the roll had been called. He said excitedly, "The mistake has been made. I would give all I possess if it were undone." He was still further disturbed by imputations upon his integrity in connection with some transactions of the Indian Bureau — imputations which were pronounced baseless by the two senators from Indiana (Thomas A. Hendricks and Henry S. Lane), one a political opponent and the other a political friend, who had impartially examined all the facts. But under the mortification caused by parting with old political associates, and the humiliation to which he was subjected by groundless imputations upon his character, his mind gave way and on the 11th of July, 1866 he committed suicide.

General Lane was a native of Indiana, son of a reputable lawyer, Amos Lane, who was a representative in Congress during the Administrations of Jackson and Van Buren. He thus inherited Democracy of the most aggressive type. He was a man of violent passions and marked courage. He commanded a regiment of Indiana volunteers at the battle of Buena Vista, and in 1852 was elected a member of the House of Representatives. He was a warm supporter of Douglas and voted for the repeal of the Missouri Compromise. He immediately afterwards emigrated to Kansas, as he said, "to see fair play under the doctrine of popular sovereignty." His career thenceforward formed a large part of the history of Kansas. He contributed perhaps as largely as any other one man to the victory of the Free-State policy, and became as violent in his hostility to the Democratic party as he had formerly been in its advocacy. When his State was admitted to the Union in 1861 he was rewarded with the honor of being one of her first senators in Congress. His course in the Senate, until the time of his defection, had been especially marked for its aggressiveness in support of the war and the destruction of the institution of slavery. He was profoundly attached to Mr. Lincoln and had received many marks of his friendship. The motive for his strange course under President Johnson was never clearly disclosed. He was in the full vigor of life when he closed it with his own hands, being a few weeks beyond his fifty-first birthday.

The Administration of Mr. Johnson had, before the death of Mr. Lane, been unhappily associated in the popular mind with another suicide. A few days before the assembling of Congress Mr. Preston King, collector of the port of New York, had drowned himself in the Hudson River by leaping from a ferry-boat. He had been for more than twenty years an intimate friend of Mr. Johnson and held, as already narrated, a confidential relation to him at the time of his accession to the Presidency. He had been especially influential in the National Republican Convention of 1864 in securing for Mr. Johnson the nomination for the Vice-Presidency. The original disagreement with Mr. Seward was generally ascribed to the influence of Mr. King upon the President, but when, with Mr. Seward in the Cabinet, Mr. King was appointed collector of customs for the port of New York, it was understood to mean that a perfect reconciliation had taken place between all the Republican factions in his State. The change in the President's position was a complete surprise to Mr. King and left him in a peculiarly embarrassing situation. He

was essentially a radical man in all his political views, and the evident tendency of the President towards extreme conservatism on the question of reconstruction was a keen distress to him. He was at a loss to determine his course of action. If he should resign his post it would be the proclamation of hostility to one to whom he was deeply attached. If he should remain in office he feared it might be at the expense of forfeiting the good will of the tens of thousands of New-York Republicans who had always reposed the utmost confidence in his fidelity to principle, and who had rewarded him with the highest honors in their power to bestow. He had not desired the collectorship, and consented to accept it only from his sincere friendship for the President and from his earnest desire to harmonize the Republican party in New York and bring its full strength to the support of the Administration. The office had given him no pleasure. It had indeed brought him nothing but care and anxiety. The applications for place were numerous and perplexing, the daily routine of duty was onerous and exacting, and his pecuniary responsibility to the Government, much exaggerated by his worried mind, constantly alarmed him. Mr. King found himself therefore so situated that, whichever way he turned, he faced embarrassment in his career, and as he imagined, disaster to his reputation. In the conflicting emotions incident to his entangled position, his brain was fevered and his intellect became disordered. From the anguish which his sensitive nature could not endure, he sought relief in the grave.

Mr. King was born in 1806 at Ogdensburg, St. Lawrence County, New York, which throughout his life continued to be his home. He became prominent in political affairs, while still a young man, as a zealous supporter of President Jackson in whose interest he edited a paper. He attached himself to that strong school of New-York Democrats of whom Silas Wright was the acknowledged leader. After conspicuous service in the New-York Legislature, he entered Congress in 1845 and remained until 1851. When the South demanded the abrogation of the Missouri Compromise Mr. King followed his personal convictions, broke from his Democratic associations and aided in the organization of the Republican party. He adhered steadily to the fortunes of the new party and brought with him a strong popular support — the large Republican majorities in Northern New York being originally due in no small degree to his personal influence and earnest efforts.

CHAPTER IX.

Contest between President and Congress. — Points of Difference. — What Congress insisted on. — Required Definition of American Citizenship. — Political Disabilities. — The Public Credit. — Protection of National Pensions. — Repudiation of Rebel Debt. — Possible Payment for Slaves. — Apprehensions of Capitalists. — Danger hanging over National Treasury. — Amendments to the Federal Constitution. — Should Rebel States participate. — Mr. Seward's View. — Mr. Thaddeus Stevens's View. — Proceedings of Reconstruction Committee. — Proposed Bases of Representation. — Amendment proposed by Mr. Spalding. — By Mr. Blaine. — By Mr. Conkling. — Speech by Mr. Jenckes of Rhode Island. — By Mr. Baker and Mr. Ingersoll of Illinois. — By Mr. Shellabarger. — By Mr. Pike of Maine. — Mr. Schenck's Amendment. — House adopts Amendment. — Opposed in the Senate. — Long Speech of Mr. Sumner. — Reply of Mr. Fessenden. — Speech of Senator Henderson. — His Radical Proposition. — Senate defeats House Amendment. — New Proposition from the Reconstruction Committee. — Fourteenth Amendment to the Constitution proposed. — Its Original Form. — Debate in the House. — Proceedings in the Senate. — Long Debate. — Speeches by Mr. Howard, Mr. Hendricks, Mr. Sherman, Mr. Reverdy Johnson, Mr. Doolittle. — Final Adoption of the Fourteenth Amendment by Both Branches. — Notification to the States June 16. — Prompt Adoption by Tennessee. — Tennessee re-admitted to Representation. — Action of Senate and House Thereon. — Reasons assigned for passing the Bill. — President approves the Bill, but disapproves the Reasons for its Passage. — His Ingenuous Censure of Congress. — Adjournment of Congress. — Impending Political Contest. — Struggle between the President and Congress.

THE controversies between the President and Congress, thus far narrated, did not involve what have since been specifically known as the Reconstruction measures. Those were yet to come. The establishment of the Freedmen's Bureau was at best designed to be a temporary charity; and the Civil Rights Bill, while growing out of changes effected by the war, was applicable alike to all conditions and to all times. The province of the Special Committee on Reconstruction was to devise and perfect those measures which should secure the fruits of the Union victory, by prescribing the essential grounds upon which the revolted States should be re-admitted to representation in Congress. The principal objects aimed at were at

least four in number. That which most largely engaged popular attention at the outset was the increased representation which the South was to secure by the manumission of the negroes. In the original Constitution only three-fifths of the slaves were permitted to be enumerated in the basis of apportionment. Two-fifths were now added and an increase of political power to the South appeared probable as the somewhat startling result of the civil struggle. There was an obvious injustice in giving to the white men of the South the right to elect representatives in Congress apportioned to their section by reason of the four and a half millions of negroes, who were enumerated in the census but not allowed to exercise any political power. By permitting this, a Confederate soldier who fought to destroy the Union would be endowed with a larger power of control in the National Government than the loyal soldier who fought to maintain the Union. To allow this to be accomplished and permanently incorporated in the working of the Government would be a mere mockery of justice, the utter subversion of fair play between man and man.

Another subject deeply engaging Northern thought was the definition of American citizenship. There was a strong desire to place it on such substantial foundation as should prevent the possibility of sinister interpretation by the Judiciary, and guard it at the same time against different constructions in different States. This was an omission in the original Constitution — so grave an omission, indeed, that the guarantee entitling citizens of each State to the privileges and immunities of citizens of the several States, was in many cases ignored, often indeed defied and destroyed. If we were now to have a broader nationality as the result of our civil struggle, it was apparent to the mass of men, as well as to the publicist and statesman, that citizenship should be placed on unquestionable ground — on ground so plain that the humblest man who should inherit its protection would comprehend the extent and significance of his title.

A third point had taken possession of the popular mind, quickened and intensified as it was by the conflict between the President and Congress. The President, as already stated, had by the lavish use of the pardoning power signalized his change on the subject of Reconstruction. Many of the worst offenders in the Confederate cause had received Executive clemency. Not only had the general mass of rebels been pardoned by the amnesty proclamation of May 29th, but many thousands of the classes excepted in that instrument

had afterwards received special pardons from the President. The crime of treason, which they had committed, was thus condoned, and the Executive pardon could be pleaded against any indictment or any attempt to punish by process of law. If there should be no provision to the contrary, these pardoned men would thus become as eligible to all the honors and emoluments of the Republic as though they had not for four years been using their utmost efforts to destroy its existence. It was therefore the general expectation of the people that by some law, either statute or organic, the political privileges of these men, so far as the right to hold office was involved, should be restricted, and that, without contravening the full force and effect of the President's pardon, they might justly be deprived of all right to receive the honors of the Nation and of the State. From the crime of rebellion they had been freed by the President, but it was expected that Congress would clearly define the difference between pardoning a rebel for treason to his country and endowing him with the right to enjoy the honors and emoluments of office.

Other subjects had entered into the public apprehension and were brought prominently to the attention of Congress, and by Congress referred to the Reconstruction Committee. There was a fear that if, by a political convulsion, the Confederates of the South should unite with the Democratic opponents of the war in the North and thus obtain control of the Government, they might, at least by some indirect process if not directly, impair the public obligations of the United States incurred in suppressing the Rebellion. They feared that the large bounties already paid to Union soldiers, and the generous pensions already provided or which might afterwards be provided, for those who had been maimed or for the orphan and the widow of those who had fallen, might, in the advent of the same adverse political power in the Government, be objected to, unless at the same time a similar concession should be granted to the misled and deceived masses of the South, who had with reckless daring been forced into the service of the ill-starred Confederacy. It was therefore expected that Congress would, so far as organic law could attain that end, guard the sacredness of the public debt and the equal sacredness of the National pensions, and that to do this effectively it should be provided that no recognition should ever be made, either by the National Government or by any State Governments, of debts incurred in aid of the Rebellion.

Still another subject was considered to be of grave consequence.

Preventive measures of the most stringent character were demanded against a threatened danger to the National credit. With the single exception of land, which is the basis of all property, the South had lost the largest aggregate investment held in one form in the entire country. The money value of Southern slaves, reckoned at current prices, was larger when the war broke out than the money value of railroads or of manufacturing establishments in the United States. For the defense of this great interest the war had been avowedly undertaken. Perhaps it would be more truthful to say that the ambitious and conspiring politicians of the South had assumed the danger to this vast investment as the pretext for destroying the Government; and they had met with the fate so solemnly foretold in Sacred Writ, — they had drawn the sword and perished by the sword. As the one grand consummation of the struggle, the institution of slavery had disappeared. It was probable, nay, it was certainly to be expected, that in the destruction of so large an investment great suffering would come to many who had not participated in the Rebellion; to many indeed who had opposed it. That remuneration for losses should be asked was apparently inevitable.

Men of financial skill and experience saw that if such a contingent liability should overhang the National Treasury the public credit might be fatally impaired. The acknowledged and imperative indebtedness of the Government was already enormous; contingencies yet to be encountered would undoubtedly increase it, and its weight would press heavily upon the people until a firmly re-established credit should enable the Government to lower the rate of interest upon its bonds. So long as the Government was compelled to pay its interest in coin, while the business of the country was conducted upon the basis of suspended paper, the burden upon the people would be great. It would be vastly increased in imagination (and imagination is rapidly transformed to reality in the tremulous balance which decides the standard of public credit) if the Nation should not be able to define with absolute precision the metes and bounds of its aggregate obligation. Hence the imperious necessity of excluding all possibility of the payment of from two to three thousand millions of dollars to the slave-holders of the South. If that were not accomplished, the burden would be so great that the Nation which had survived the shock of arms might be engulfed in the manifold calamities of bankruptcy.

The magnitude of the reforms for which the popular desire was

unmistakable, may in some degree be measured by the fact that they involved the necessity of radical changes in, and important additions to, the Federal Constitution. It was frankly acknowledged that if the President's plan of Reconstruction should be followed, involving the instant admission of senators and representatives from the revolted States, these Constitutional changes could not be effected, because the party desiring them would no longer control two-thirds of both Senate and House. Mr. Seward, in his persuasive mode of presenting his views, had urged as a matter of justice that legislation affecting the Southern States should be open to the participation of representatives from those States; but Mr. Thaddeus Stevens, who had as keen an intellect as Mr. Seward and a more trenchant style, declared that view to involve an absurdity. He avowed his belief that there was no greater propriety in admitting Southern senators and representatives to take part in considering the financial adjustments and legislative safeguards rendered necessary by their crime, than it would have been to admit the Confederate generals to the camp of the Union Army when measures were under consideration for the overthrow of the Rebellion.

The great mass of Republicans in Congress maintained that it was not only common justice but common sense to define, without interposition or advice from the South, the conditions upon which the insurrectionary States should be re-clothed with the panoply of National power. "In no body of English laws," said Mr. Stevens, in an animated conversation in the House, "have I ever found a provision which authorizes the criminal to sit in judgment when the extent of his crime and its proper punishment were under consideration." The argument, therefore, which Mr. Seward had made with such strength for the President was, in the judgment of the great majority of Northern people, altogether ill-founded. By the caustic sentence of Mr. Stevens it had been totally overthrown. The average judgment approved the sharply defined and stringent policy of Congress as set forth by Mr. Stevens, rather than the policy so comprehensively embodied and so skillfully advocated by Mr. Seward on behalf of the Administration. Whatever may have been the temptations presented by the apparent magnanimity and broad charity of Mr. Seward's line of procedure, they were more than answered by the instincts of justice and by the sense of safety embodied in the plan of Reconstruction announced and about to be pursued by Congress.

The Joint Special Committee on Reconstruction, appointed at the opening of the Thirty-ninth Congress in December, did not meet for organization until the 6th of January, 1866. As an indication of the respectful manner in which they desired to treat the President, and the care with which they would proceed in their important duties, they appointed a sub-committee to wait on Mr. Johnson and advise him that the committee desired to avoid all possible collision or misconstruction between the Executive and Congress in regard to their relative positions. They informed the President that in their judgment it was exceedingly desirable that while this subject was under consideration by the joint committee no further action in regard to Reconstruction should be taken by him unless it should become imperatively necessary. The committee plainly declared that mutual respect would seem to require mutual forbearance on the part of the President and Congress. Mr. Johnson replied in effect that, while desiring the question of Reconstruction to be advanced as rapidly as would be consistent with the public interest, he earnestly sought for harmony of action, and to that end he would take no further steps without advising Congress. This promise of each branch of the Government to wait patiently on the other was no doubt sincere, but it soon proved difficult, if not impossible, to maintain the compact. When two co-ordinate departments were holding antagonistic views on the vital question at issue, collisions between them could not be averted. As matter of fact the resolution, as has been seen by events already narrated, so far from proving itself to be an adjustment did not serve even as a truce between the President and Congress. It was found impracticable to secure repression and the contest went forward with constantly accelerating speed.

The first question on the subject of Reconstruction which engaged the attention of Congress, was the re-adjustment of the basis of representation; and for a time it absorbed all others. The first proposition to amend the Constitution in this respect had been made by Mr. Stevens on the 5th of December, providing "that representatives shall be apportioned among the States which may be within the Union according to their respective legal voters, and for this purpose none shall be named as legal voters who are not either natural born citizens of the United States or naturalized foreigners." During the month of December the question of representation was discussed, partly in public debate, but more in conference among members; and the plan of placing the basis upon legal voters, at first warmly urged,

was quickly abandoned as its probable results were scrutinized. When Congress convened after the holidays, on Friday the 5th of January, Mr. Spalding of Ohio, in a speech already referred to, proposed an amendment to the Constitution in regard to representation in Congress, directing that "people of color shall not be counted with the population in making up the ratio of representation, except it be in States where they are permitted to exercise the elective franchise," and this was probably the earliest foreshadowing of the real change in the basis of representation that was made by the Fourteenth Amendment.

On the ensuing Monday Mr. Blaine of Maine proposed the following, in lieu of the Constitutional provision then existing: "Representatives and direct taxes shall be apportioned among the several States which shall be included within this Union according to their respective numbers, which shall be determined by taking the whole number of persons, *except those whose political rights or privileges are denied or abridged by the constitution of any State on account of race or color.*" Mr. Blaine objected to taking voters as the basis of representation. "If," said he, "voters instead of population shall be made the basis of representation, certain results will follow, not fully appreciated perhaps by some who are now urgent for the change. I shall confine my examination of these results to the nineteen free States, whose statistics are presented in the census of 1860, and the very radical change which the new basis of apportionment would produce among those States forms the ground of my opposition to it. The ratio of voters to population differs very widely in different sections, varying, in the States referred to, from a minimum of nineteen per cent to a maximum of fifty-eight per cent; and some of the changes which its effect would work in the relative representation of certain States would be monstrous. For example, California has a population of 358,110 and Vermont has a population of 314,369, and each has three representatives on this floor to-day. But California has 207,000 voters and Vermont has only 87,000. Assuming voters as the basis of apportionment and allowing to Vermont three representatives, California would be entitled to eight. The great State of Ohio, with nearly seven times the population of California, would have but little more than two and a half times the number of representatives; and New York, with quite eleven times the population of California, would have, in the proposed method of apportionment, less than five times as many members of this House."

Mr. Blaine adduced some other examples less extreme than those quoted, but the generalization was no doubt too broad and presented in some respects an erroneous conclusion. The only mode of getting at the number of voters was by the ballots cast at the general elections, and the relative ratio was varied by so many considerations that it did not correctly represent the actual number of voters in each State. But the facts presented by Mr. Blaine and elaborated by other speakers turned the attention of the House away from an apportionment based on voters.

Mr. Conkling, a few days later, in referring to Mr. Blaine's argument, maintained that "the ratio, in dividing the whole population of the United States into two hundred and forty-one representative districts, leaving out such extreme cases as California, would not be seriously affected by assuming the white male voters as the basis of apportionment." On the 15th of January Mr. Conkling submitted a Constitutional amendment on the subject, in two forms; making the proviso in one case that "whenever in any one State the political rights or privileges of any man shall be denied or abridged on account of race or color, all persons of such race or color shall be excluded from the basis of representation," and the other providing that "when the elective franchise in any State shall be denied or abridged on account of race or color, all persons of such race or color so denied shall be excluded from the basis of representation."

On the 22d of January the Reconstruction Committee, both in the Senate and House, reported their proposed amendment to the Constitution on this subject. It was in these words: "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State — excluding Indians not taxed; provided, that whenever the elective franchise shall be denied or abridged in any State on account of race or color, all persons of such race or color shall be excluded from the basis of representation." The amendment was substantially the second form of that proposed by Mr. Conkling. He was a member of the Reconstruction Committee and opened the discussion on the subject with a carefully prepared speech. The peculiar feature of this amendment was that if any portion of the people should be excluded by reason of race or color, every individual of that race or color would be excluded from the basis of apportionment. As Mr. Stevens expressed it, if one man should be excluded from the ballot-

box on account of his race, then the whole race should be excluded from the basis of apportionment.

The proposition led to a long debate, the differences being to a great extent among members on the Republican side. Mr. Jenckes of Rhode Island objected to it, because it would not effect the object aimed at. "Suppose," said he, "this amendment is adopted by three-fourths of the States and becomes a part of the Constitution, and after its adoption the State of South Carolina should re-instate her old constitution, striking out the word 'white,' and re-establishing the property qualification of fifty acres of land or town-lots or the payment of taxes, there would then be no discrimination of color in South Carolina; yet, while the number of her voters would not be enlarged five hundred, the representation would be exactly as it is, with the addition of two-fifths of the enfranchised freedmen." Mr. Blaine objected that "if by ordinary fair play we exclude any class from the basis of representation they should be excluded from the basis of taxation, and therefore we should strike out the word 'taxes.' Ever since the Government was founded taxation and representation have gone hand in hand. If we exclude that principle from this amendment we shall be accused of narrow, illiberal, mean-spirited, money-grasping policy."

Mr. Donnelly of Minnesota supported the measure, not as a finality but as a partial step, — as one of a series of necessary laws. Mr. Sloan of Wisconsin made an urgent argument for the basing of representation upon voters, "as those voters are determined by the States." Mr. Jehu Baker of Illinois objected to the amendment, because it "leaves any State of the Union perfectly free to narrow her suffrage to any extent she pleases, imposing proprietary and other disqualifying tests and strengthening her aristocratic power over the people, provided only she steers clear of a test based on race or color." Mr. Ingersoll of Illinois followed the speech of his colleague, Mr. Baker, by moving to add to the Constitutional amendment these words: "and no State within this Union shall prescribe or establish any property qualifications which may or shall in any way abridge the elective franchise." Mr. Jenckes of Rhode Island argued against Mr. Ingersoll's amendment as needlessly abridging the power of the States. On the 24th of January Mr. Lawrence of Ohio moved that "the pending resolution and all amendments be recommitted to the Committee on Reconstruction, with instructions to report an amendment to the Constitution which shall, first, apportion direct taxation

among the States according to the property in each, and second, apportion the representation among the States upon the basis of male voters who may be citizens of the United States."

Mr. Shellabarger followed his colleague, giving objections to the amendment as reported by the Committee on Reconstruction: "First, it contemplates and provides for and in that way authorizes the States to wholly disfranchise an entire race of people; second, the moral teaching of the clause offends the free and just spirit of the age, violates the foundation principle of our own Government and is intrinsically wrong; third, associated with that clause in our Constitution relating to the States being republican this amendment makes it read thus: 'the United States shall guarantee to every State in this Union a republican form of government, provided, however, that a government shall be deemed republican when whole races of its people are disfranchised, unrepresented and ignored.'" Mr. Eliot of Massachusetts moved an amendment that representation should be based upon the whole number of persons, "and that the elective franchise shall not be denied or abridged in any State on account of race or color."

Mr. Pike of Maine made a strong speech against the amendment, the spirit of which was in favor of declaring universal suffrage. He added to the illustrations already given of the inefficacy of the proposed amendment to reach the desired end, one of special force and pertinency. "Suppose," said he, "this Constitutional amendment to be in full force, and a State should provide that the right of suffrage should not be exercised by any person who had been a slave or who was the descendant of a slave, whatever his race or color?" He suggested that it was "a serious matter to tell whether this simple provision would not be sufficient to defeat the Constitutional amendment which we here so laboriously enact and submit to the States." Mr. Conkling argued that "the amendment we are proposing is not for Greece or Rome, or anywhere where anybody besides Africans were held as slaves. It is to operate in this country, where one race, and only one, has been held in servitude." Mr. Pike replied that "in no State has slavery been confined to one race." "So far," added he, "as I am acquainted with their statutes, slavery has not been confined to the African race. I have examined the matter with some care, and I know of no slave-statute which says that Africans alone shall be slaves. Well-authenticated instances exist in every slave State, where men of Caucasian descent, of Anglo-Saxon blood,

have been confined in slavery and they and their posterity held as slaves, so that not only were free blacks found everywhere but white slaves abounded."

On the 29th of January the debate closed, and the resolutions originally reported from the Committee on Reconstruction, together with the suggested amendments, were again referred to that committee. Especial interest was taken by many members in the language proposed by Mr. Schenck of Ohio: "Representatives shall be apportioned among the several States which may be included within this Union, according to the number of male citizens of the United States over twenty-one years of age having the qualifications of electors of the most numerous branch of the Legislature;" and also in the proposition of Mr. Broomall of Pennsylvania, providing that "when the elective franchise shall be denied by the constitution or laws of any State, to any proportion of its male citizens over the age of twenty-one years, the same proportion of its entire population shall be excluded from the basis of representation." Two days afterwards, on the 31st of January, Mr. Stevens reported from the Joint Committee on Reconstruction the proposition in this form: "Representatives shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State — excluding Indians not taxed; *provided that whenever the elective franchise shall be denied or abridged in any State on account of race or color, the persons therein of such race or color shall be excluded from the basis of representation.*" Mr. Schenck submitted his amendment basing apportionment upon the number of male citizens of the United States who are voters, but it was rejected by an overwhelming vote, only twenty-nine of the entire House voting in the affirmative. The amendment, as reported from the committee, was then adopted, — yeas 120, nays 46. It was substantially a party division, though some half-dozen Republicans voted in the negative.

The amendment reached the Senate on the thirty-first day of January and on the sixth of February was taken up for consideration. Mr. Fessenden, chairman of the Joint Committee on Reconstruction, was entitled to open the debate, but yielded to Mr. Sumner. Mr. Sumner, with his rigid adherence to principle, opposed the amendment. "Knowing as I do," said he, "the eminent character of the committee which reports this amendment, its intelligence, its patriotism and the moral instincts by which it is moved, I am at a

loss to understand the origin of a proposition which seems to me nothing else than another compromise of human rights, as if the country had not already paid enough in costly treasure and more costly blood for such compromises in the past." He declared that he was "painfully impressed by the discord and defilement which the amendment would introduce into the Constitution." He quoted the declaration of Madison in the convention of 1787, that it was wrong to admit into the Constitution the idea of property in man. "Of all that has come to us from that historic convention, where Washington sat as President and Franklin and Hamilton sat as members, there is nothing having so much of imperishable charm. It was wrong to admit into the Constitution the idea that man could hold property in man. Accordingly, in this spirit the Constitution was framed. This offensive idea was not admitted. The text at least was kept blameless. And now, after generations have passed, surrounded by the light of Christian truth and in the very blaze of human freedom, it is proposed to admit into the Constitution the twin idea of inequality in rights, and thus openly set at naught the first principles of the Declaration of Independence and the guarantee of republican government itself, while you blot out a whole race politically. For some time we have been carefully expunging from the statute-books the word 'white,' and now it is proposed to insert into the Constitution itself a distinction of color."

Upon this foundation Mr. Sumner spoke at great length, his speech filling forty-one columns of the *Congressional Globe*. It would hardly be proper indeed to call it a speech. It was a great historic review of the foundation of the Republics of the world, an exhaustive analysis of what constituted a true republic, closing with an eloquent plea for the ballot for the freedmen. He demanded "enfranchisement for the sake of the public security and public faith." He pleaded for the ballot as "the great guarantee." The ballot, he declared, "is a peacemaker, a schoolmaster, a protector." "Show me," said he, as he approached the conclusion of his speech — "show me a creature with erect countenance and looking to heaven, made in the image of God, and I show you a man who, of whatever country or race — whether darkened by equatorial sun or blanched with the northern cold — is an equal with you before the heavenly Father, and equally with you entitled to all the rights of human nature." . . . "You cannot deny these rights without impiety. God has so linked the National welfare with National duty that you cannot

deny these rights without peril to the Republic. It is not enough that you have given liberty. By the same title that we claim liberty do we claim equality also. . . . The Roman Cato, after declaring his belief in the immortality of the soul, added, that if this were an error it was an error that he loved; and now, declaring my belief in liberty and equality as the God-given birthright of all men, let me say in the same spirit, if this be an error it is an error which I love; if this be a fault it is a fault which I shall be slow to renounce; if this be an illusion it is an illusion which I pray may wrap the world in its angelic form."

Mr. Sumner's speech may be regarded as an exhaustive and masterly essay, unfolding and illustrating the doctrine of human rights. As such it remains a treatise of great value; but as a political argument calculated to shape and determine the legislation of Congress, it was singularly inapt. As a counter-proposition he submitted a preamble and joint resolution in these words: "Whereas it is provided by the Constitution that the United States shall guarantee to every State of the Union a republican form of government, and whereas, by reason of the failure of certain States to maintain governments which Congress might recognize, it has become the duty of the United States, standing in the place of guarantor," . . . —"Therefore be it resolved, that there shall be no oligarchy, aristocracy, caste or monopoly invested with peculiar privileges or powers, and there shall be no denial of rights, civil or political, on account of race or color within the limits of the United States or the jurisdiction thereof, but all persons therein shall be equal before the law, whether in the court-room or at the ballot-box, and this statute, made in pursuance of the Constitution, shall be the supreme law of the land, any thing in the constitution or laws of any State to the contrary notwithstanding."

Mr. Fessenden replied to Mr. Sumner in an elaborate speech in justification of the amendment proposed by the Reconstruction Committee. His argument was marked with all his peculiar ability, and the two speeches contain within themselves the fullest exposition of the difference in mental quality of the two eminent New-England statesmen who were so long rivals in the Senate of the United States. Mr. Fessenden was above all things practical; he was unwilling at any time to engage in legislation that was not effective and direct, he had no sympathy with mere declarations, was absolutely free from the vanity so often exhibited in legislative bodies,

of speaking when there was no question before the body for decision, or of submitting resolutions merely in response to a popular sentiment, without effecting any valuable result. In short, Congress was with him a law-making body. It met for that business and so far as he could direct its proceedings, Mr. Fessenden, as chairman at different times of leading committees, held it to its work. He was felicitous with his pen beyond the rhetorical power of Mr. Sumner, though not so deeply read, nor so broad in scholarship and general culture.

He made an able argument for the pending amendment as the most effective mode of bringing the South to do justice to the colored race. He believed that if the Southern States should feel that they could derive larger political power in the Government of the United States by admitting colored men to the elective franchise, they would in time conclude to do so; and doing so they would be compelled in the mere process to realize their indebtment to that race, and thus from self-interest, if not from a sense of justice, would extend equal protection to the whole population. Mr. Fessenden could not refrain from some good-natured ridicule of the declaratory resolutions which Mr. Sumner had offered. "Sir," said he, "does the Constitution authorize oligarchy, aristocracy, caste or monopoly? Not at all. Are you not as safe under the Constitution as you are under an Act of Congress? Why re-enact the Constitution merely to put it in a bill? What do you accomplish by it? What remedy does it afford? It is merely as if it read in this way: 'Whereas it is provided in the Constitution that the United States shall guarantee to every State of the Union a republican form of government, therefore we declare that there shall be a republican form of government, and nothing else.' That is all there is of it. Of what particular use it is as a bill, practically, is more than I can tell. I presume the Honorable Senator from Massachusetts will very easily explain it, but it reminds me (I say it with all due respect to him) of a poetical travesty of a law argument by an eminent lawyer of his own State, running somewhat in this way: —

> 'Let my opponents do their worst,
> Still my first point is point the first,
> Which fully proves my case, because
> All statute laws are statute laws.'

The *sequitur* is obvious, — the case is proved because, inasmuch as

the Constitution provides that there shall be no aristocracy, no oligarchy, no caste, no monopoly, therefore Congress has resolved that there shall not be any thing of the kind."

Mr. Fessenden would not admit the essential justice of the argument which Mr. Sumner made in behalf of universal suffrage, and showed that he was not consistent in the ground which he took. "While," said he, "the Honorable Senator from Massachusetts argued with great force that every man should have the right of suffrage, his argument, connected with the other principle that he laid down, and the application of it, — that taxation and representation should go together, — would apply with equal force and equal equity to woman as to man; but I notice that the Honorable Senator carefully and skillfully evaded that part of the proposition. If a necessary connection between taxation and representation applies to the individuals in a State, and that is the application which the Honorable Senator made of it, — an application never made by our ancestors, but applied by them to communities and not to individuals, — I should like him to tell me why, according to his own argument, every female that is taxed should not be allowed to have the right of suffrage."

"There are," said Mr. Fessenden, "but two propositions to be considered in the pending amendment: one is whether you will base representation on voters, and the other is the proposition which is before the Senate. I suppose the proposition to base representation upon actual voters would commend itself to the Honorable Senator from Massachusetts. I believe I have in my desk a proposition he made to amend the Constitution (laid before the Senate so early in the session that the bell which called us together had hardly struck its note before it was laid upon the table), in which he proposed that representation in the United States should be based on voters. Let me ask him if that does not leave in the hands of the States the same power that exists there now, and has existed heretofore? What is the difference? How does the Honorable Senator find the pending proposition so objectionable, and the one he offered so suitable to accomplish the purpose which he desires to accomplish? The two propositions, in respect to the point upon which the gentleman has made his speech, are identical in effect."

The Constitutional amendment was debated earnestly until the 9th of March. One of the boldest and most notable speeches was made by Mr. Henderson of Missouri, who surprised the Senate by taking a more radical ground than the Reconstruction Committee.

He moved the following as a substitute for the committee's proposition to amend the Constitution: "*No State, in prescribing the qualifications requisite for electors therein, shall discriminate against any person on account of color or race.*" Mr. Henderson, though representing a State lately slave-holding, was in advance of the majority of his associates from the free States; but he defended his amendment with great ability. He said, "I am aware that the Senate will vote it down now. Let them vote it down. It will not be five years from to-day before this body will vote for it. You cannot get along without it. You may adopt the other proposition, but the States will not accept it. The Northern States in my judgment will not accept it, because they will misapprehend the meaning of it." When the vote was reached ten senators, including Mr. Henderson, sustained his proposition in favor of negro suffrage. The resolution of the Reconstruction Committee, after several attempts to modify it, came to a vote, — *yeas* 25, *nays* 22. Two-thirds being required the amendment was defeated. A reconsideration was made for the purpose of resuming the discussion, but the resolution was never taken up again, having become merged in a new proposition.

Pending the consideration of the Constitutional amendment so long before Congress, the Reconstruction Committee reported, and both Houses of Congress agreed to adopt, a resolution declaring that "No senator or representative shall be admitted into either branch of Congress from any of said States until Congress shall have declared such State entitled to representation." It was the pressure of the State of Tennessee for admission which brought about this declaration. Her condition was regarded as peculiar, and her senators and representatives were seeking admission to their appropriate bodies, claiming exemption from the general requirements of the Reconstruction policy, because they had, without the aid of Congress, established a loyal State government. This was regarded as totally inexpedient, and the committee reported the resolution, as they declared, "in order to close agitation upon a question which seems likely to disturb the action of the Government, as well as to quiet the uncertainty which is agitating the minds of the people of the eleven States which have been declared to be in insurrection." The objection to this course was, that in a certain degree it involved a renunciation on the part of both Senate and House of their right to be the exclusive judge of the qualification of members of their respective bodies. Mr. Stevens was the author of the resolution and

it really included, as its essential basis, the view which he had so strenuously insisted upon, that the insurrectionary States must be treated by Congress, in all that related to their restoration to the Union, as if they were new States seeking admission for the first time. Instead of each House acting as the judge of the qualifications of its members, both Houses agreed that neither should take a step in that regard until there had been common action declaring the State entitled to representation. A similar proposition at the opening of the session had been defeated in the Senate: its ready adoption now showed how the contest between the President and Congress was driving the latter day by day to more radical positions.

After the defeat in the Senate of the amendment touching representation, and the postponement by the House of another amendment reported from the Committee on Reconstruction touching the protection of citizens in their rights and immunities, there was a general cessation of discussion on the question of changing the Constitution, and a common understanding in both branches to await the formal and final report of the Committee. That report was made by Mr. Stevens on Monday, the 30th of April.[1] It consisted of a joint resolution proposing an amendment to the Constitution of the United

[1] The following is the form in which the Fourteenth Amendment to the Constitution (consolidated from various propositions previously discussed) was originally reported from the Committee on Reconstruction by Mr. Stevens: —

"ARTICLE XIV.

"SECT. 1. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"SECT 2. Representatives shall be apportioned among the several States which may be included within this Union according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But whenever in any State the elective franchise shall be denied to any portion of its male citizens not less than twenty-one years of age, or in any way abridged, except for participation in rebellion or other crime, the basis of representation in such State shall be reduced in the proportion which the number of male citizens shall bear to the whole number of such male citizens not less than twenty-one years of age.

"SECT. 3. Until the fourth day of July in the year 1870, all persons who voluntarily adhered to the late insurrection, giving it aid and comfort, shall be excluded from the right to vote for representatives in Congress and for electors for President and Vice-President of the United States.

"SECT. 4. Neither the United States nor any State shall assume or pay any debt or obligation already incurred, or which may hereafter be incurred, in aid of insurrection or war against the United States, or any claim for compensation for loss of involuntary service or labor.

"SECT. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

States, in which were consolidated under one article the several amendments which had been proposed, and which in their aggregate, as finally shaped, made up the famous Fourteenth Amendment. In addition to this was a bill reciting the desirability of restoring the lately revolted States to full participation in all political rights, and enacting in substance that when the Constitutional amendment should be agreed to by them, their senators and representatives in Congress might be admitted. A further bill was reported, declaring certain persons who had been engaged in rebellion to be ineligible to office under the Government of the United States.

The debate on the consolidated Fourteenth Amendment was opened on the 8th of May by Mr. Stevens. The House had agreed that all speeches should be limited to half an hour. The debate was therefore condensed and direct. Mr. Stevens complained of the Senate for having defeated the amendment relating to representation, and though assenting to that which was now reported by the committee, thought it inferior to, and less effective than, the one which had failed. The third section he thought too lenient. "There is," said he, "a morbid sensibility sometimes called mercy, which affects a few of all classes from the priest to the clown, which has more sympathy for the murderer on the gallows than for his victim. I hope I have a heart as capable of feeling for human woe as others. I have long since wished that capital punishment were abolished. But I never dreamed that all punishment could be dispensed with in human society. Anarchy, treason and violence would reign triumphant. The punishment now prescribed is the mildest ever inflicted upon traitors. I might not consent to the extreme severity pronounced upon them by a provisional Governor of Tennessee — I mean the late lamented Andrew Johnson of blessed memory — but I would have increased the severity in this section. . . . In my judgment we do not sufficiently protect the loyal men in the rebel States from the vindictive persecutions of their rebel neighbors."

Mr. Blaine of Maine called the attention of Mr. Stevens to the fact that on the 17th of July, 1862, Congress had passed an Act of which the following was one section: "That the President is hereby authorized, at any time hereafter, by proclamation, to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty, with such exceptions, at such times and on such conditions as he may deem expedient for the public welfare." "Under and in pursuance of this Act," said Mr.

Blaine, "the late President Lincoln issued a proclamation granting a great number of pardons upon certain specified conditions, and subsequently President Johnson issued his celebrated amnesty proclamation granting pardons to certain specified classes in the South that had participated in the Rebellion. . . . Do we not by the proposed action place ourselves in the attitude of taking back by Constitutional amendment that which has been given by Act of Congress, and by Presidential proclamation issued in pursuance of the law? and will not this be justly subjected to the charge of bad faith on the part of the Federal Government?"

Mr. Stevens replied that a pardon, whether by the President having the power or specially by Act of Parliament or Congress, extinguishes the crime. "After that," said he, "there is no such crime in the individual. A man steals and he is pardoned. He is not then a thief and you cannot call him a thief, or if you do you are liable to an action for slander. None of those who have been fully pardoned are affected by this provision."

Mr. Blaine replied that the Constitutional amendment would be held to override the President's proclamation, being organic in its nature and therefore supreme. "That," said Mr. Blaine, "is my understanding and that, it seems to me, would be the legal construction; but if the gentleman from Pennsylvania is correct, then I maintain that it is the bounden duty of this House to make the language so plain that he who runs may read — that there may be no doubt about its construction."

Mr. Garfield said that "the point made by the gentleman from Maine shows that, whatever may be the intention of the committee or of the House, the section is at least susceptible of double construction. Some may say that it revokes and nullifies in part the pardons that have already been granted in accordance with law and the proclamation of the President. Others may say that it does not apply to the rebels who have been pardoned."

Mr. Stevens interrupted Mr. Garfield and said, "I was not perhaps sufficiently explicit in what I stated in answer to the interrogatory of the gentleman from Maine. I admit that a pardon removes all liability to punishment for a crime committed, but there is a vast difference between punishment for a crime and withholding a privilege. While I admit that the pardon will be full and operative so far as the crime is concerned, it offers no other advantage than an exemption from punishment for the crime itself."

Mr. Garfield, resuming, said that he was about to remark that "if the section does not apply to those who have been pardoned then it would apply to so small a number of people as to make it of no practical value, for the excepted classes in the general system of pardons form a very small fraction of the rebels."

Mr. Boyer, a Democratic member from Pennsylvania, declared that the effect of the amendment if adopted would be to disfranchise for a period of four years nine-tenths of the voting population of eleven States.

The point was subsequently alluded to by the leading lawyers of the House, with the general admission that, whatever might have been the implied pledge of the President or of Congress, or whatever might be the effect of the pardon of the President, it did not in any way limit the power of the people to amend their Constitution. To the proposition to exclude those who had been engaged in the Rebellion from the right of suffrage for National office until 1870, there was strong hostility from two classes — one class opposing it because it was a needless proscription, and the other, equally large, because it did not go far enough in proscribing those who had been guilty of rebellion. The amendment came to a vote on the 10th of May and the result was 128 *ayes* to 37 *noes*. Not a single Republican vote was cast against it. Mr. Raymond voted in the affirmative, and his ringing response elicited loud applause both on the floor and in the galleries.

When the Senate proceeded to consider the Constitutional amendment it soon became evident that it could not be adopted in the form in which it came from the House. The first important change was suggested by Mr. Howard of Michigan on behalf of the Senate members of the Joint Committee on Reconstruction. He proposed to prefix these words to the first clause of the amendment: "All persons born in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside." Mr. Doolittle moved to insert "excluding Indians not taxed," but Mr. Howard made a pertinent reply that "Indians born within the limits of the United States, who maintain their tribal relations, are not in the sense of this amendment *born subject to the jurisdiction of the United States*." Mr. Doolittle's amendment was supported by only ten senators on a call of the *ayes* and *noes*, and the amendment proposed by Mr. Howard was then agreed to without division. Mr. Howard next proposed to amend the second section

of the constitutional amendment by striking out the word "citizens" and inserting "inhabitants, being citizens of the United States." This was done, as Mr. Fessenden explained, "to prevent a State from saying that though a person is a citizen of the United States he is not a citizen of the State, and to make it conform to the first clause as just amended."

Mr. Howard offered next to change the third clause as it came from the House by inserting a substitute, which is precisely that which became formally incorporated in the amendment as it passed. Mr. Hendricks of Indiana moved to amend by inserting after the word "shall" the words "during the term of his office," so as to read, "shall, during the term of his office, have engaged in insurrection or rebellion." Mr. Hendricks understood "the idea upon which this section rests, to be that men who held office, and upon assuming the office took the oath prescribed by the Constitution, became obligated by that oath to stand by the Constitution and the oath," and that "going into the Rebellion was not only a breach of their allegiance but a breach of their oath," and that "persons who had violated the oath to support the Constitution of the United States ought not to be allowed to hold any office." Mr. Howard hoped the amendment would not be adopted. "If," said he, "I understand the senator from Indiana rightly, he holds that although a person may have taken that Constitutional oath, if he has not committed insurrection during the continuance of the term of his office, but commits that act after the expiration of that term, the previous taking of the oath by him adds to the act no additional moral guilt. I do not concur with him in that view. It seems to me that where a person has taken a solemn oath to support the Constitution of the United States, there is a fair implication that he cannot afterwards commit an act which in its effect would destroy the Constitution of the United States, without incurring at least the moral guilt of perjury."

Mr. Reverdy Johnson supported Mr. Hendricks's amendment. "The effect of the amendment of the committee," said he, "would be to embrace nine-tenths, perhaps, of the gentlemen of the South, to disfranchise them until Congress shall think proper, by a majority of two-thirds of each branch, to remove the restriction. If the suggestion of the senator from Indiana is not adopted," continued Mr. Johnson, "then all who have at any time held any office under the United States, or who have been in any branch of the Legislature

of a State, which they could not be without taking the oath required by the Constitution of the United States, are to be excluded from holding the office of senator or representative, or that of an elector for President and Vice-President, or any office, civil or military, under the United States." Mr. Fessenden reminded the senator from Maryland that the provision, as proposed by the committee, included exactly those classes to whom the obligation of an oath to support the Constitution was prescribed in the sixth article of the Constitution, namely, "Senators and representatives and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and the several States, shall be bound by oath or affirmation to support this Constitution."

Mr. Sherman of Ohio pointed out that the amendment of Mr. Hendricks would exclude from the operation of the section those who had left the army of the United States to join the Rebellion. Mr. Hendricks's amendment received but eight votes in the Senate, falling short of the admitted Administration strength. Mr. Reverdy Johnson moved to strike out the words which included members of the State Legislatures, but the amendment secured only ten votes. He also moved to strike out the words "having previously taken," and insert "at any time within ten years preceding the 1st of January, 1861, had taken;" and this also received but ten votes. Mr. Van Winkle moved to amend so that a majority of all the members elected to each House should be empowered to remove the disability, instead of two-thirds as required by the amendment. This also received but ten votes.

In further discussion of the extent to which the pardon of the President goes, Mr. Reverdy Johnson cited a case which had just been argued by himself and others but was not yet decided, in the Supreme Court of the United States, as to whether an attorney in that court could be bound to take the ironclad oath as prescribed by Act of Congress, January 24, 1865. He had no doubt, he said, that the operation of the pardon was to clear the party pardoned from the obligation to take that oath. The case referred to was that since so widely known as *ex parte* Garland, and decided by the Supreme Court adversely to the Constitutionality of the statute. Mr. Howe of Wisconsin interrupted the senator from Maryland and asked him whether he knew "of any authority which has gone to the extent of declaring that either an amnesty or a pardon can impose any limitation whatever upon the power of the people of the

United States, through an amendment to their Constitution, to fix the qualifications of officers." Mr. Johnson replied, "That is not the question to which I spoke. It is quite another inquiry. I was speaking of the operation of a *statute*."

Mr. Doolittle also answered his colleague by saying, "I know it may be said that by an amendment to the Constitution, which is the supreme law of the land, you can annul all existing rights. You could, perhaps, by an amendment to the Constitution, enact a provision which would deprive individual citizens of their property, and vest the whole of it in the Government of a State or in the Government of the United States. You might, perhaps, by a Constitutional amendment, pass a bill of attainder by which certain men would be sentenced to death and to corruption of blood. But, sir, would it be right? That is the question." Mr. Doolittle was discussing it on the ground of its moral rightfulness and not upon the ground of the power of the people to amend their Constitution. An attempt was made to insert the word "voluntarily" in the amendment, so that only those would be under disabilities who had voluntarily taken part in the Rebellion; but this received only ten votes. The Senate rejected it for the obvious reason that it would open the entire amendment to evasion.

The amendment, as supported by Mr. Howard, was finally agreed to with only ten votes in the negative. Mr. Hendricks, in lieu of the amendment on the subject of representation, moved to add a clause excluding two-fifths of "such persons as have been discharged from involuntary servitude since the year 1861, and to whom the elective franchise may be denied." He did this in order that representation should be maintained on the same numerical basis that existed before the war. The amendment was rejected without a division. Mr. Doolittle offered an amendment on the subject of representation, embodying the two propositions of making voters the basis of representation and providing that "direct taxes shall be apportioned among the several States according to the value of the real and personal taxable property situated in each State, not belonging to the State or to the United States;" but after elaborate debate it received only seven votes. On motion of Mr. Williams of Oregon the amendment to section two was still further amended by substituting the words "the right to vote" for "elective franchise," as already agreed to. Mr. Clarke of New Hampshire, who had shown throughout the discussion great aptness at draughting Constitutional pro-

visions in appropriate language, now moved to substitute for section four, which had gone through various mutations not necessary to recount here, the precise section as it now stands in the Constitution.

In the course of the discussion Mr. Doolittle had moved that in imposing political disabilities, those should be excepted "who have duly received pardon and amnesty under the Constitution and laws." He had just admitted the broadest possible power of a Constitutional amendment duly adopted, and, recognizing that the amendment as it stood would certainly include those who had received pardon from the President, desired to avert that result. His amendment was very briefly debated and on a call of the *ayes* and *noes* received only ten votes. The effect of this vote unmistakably settled, in the judgment of the law-making power of the Government, that the operation of the Fourteenth Amendment would not in the least degree be affected by the President's pardon. Before the proposed amendment of Mr. Doolittle, Mr. Saulsbury had tested the sense of the Senate practically on the same point, by moving to make the clause of the amendment read thus: "Congress may by a vote of two-thirds of each House and the President may by the exercise of the pardoning power, remove such disabilities;" but it was rejected by a large majority, and every proposition to permit the pardon of the President to affect the disabilities prescribed by the Fourteenth Amendment in any way whatever was promptly overruled.

As a result of this decision, Southern men who, under the Fourteenth Amendment, had incurred disabilities by reason of participation in the Rebellion, *could not assume office under the National Government until their disabilities should be removed by a vote of two-thirds of the Senate and House of Representatives, even though they had previously been pardoned by the President.* The language of the amendment, the very careful form in which the tense was expressed, appeared to leave no other meaning possible, and the intention of legislators was definitively established by the negative votes already referred to. The intention indeed was in no wise to interfere with the pardon of the President, leaving to that its full scope in the remission of penalty which it secured to those engaged in the Rebellion. The pertinent clause of the Fourteenth Amendment was regarded as merely prescribing a qualification for office, and the Constitutional lawyers considered it to be within the scope of the amending power as much as it would be to change the age at which

a citizen would be eligible to the Senate or the House of Representatives.[1]

One of the singular features attending the discussion and formation of this amendment, was that all the Democratic senators preferred the third section as embodied in the Constitutional amendment finally passed, to that which had been proposed as it passed the House. The amendment could not probably be incorporated in the Constitution for a year and according to the original proposition of the House, therefore, it would only have excluded those who participated in the Rebellion from the ballot-box for a period of three years,—until the 4th of July, 1870; whereas the third section, as adopted, perpetually excluded the great mass of the leading men of the South from holding public office, either in Nation or State, unless their disabilities should be removed by a vote of two-thirds in each House of Congress. No adequate explanation was given for this preference, and the final vote substituting that which was incorporated in the Constitution for the House proposition was 42 in the affirmative to 1 in the negative. The negative vote was given by Reverdy Johnson; while such staunch Democrats as Guthrie of Kentucky, Hendricks of Indiana, McDougal of California and Willard Saulsbury of Delaware voted to prefer the one to the other. Mr. Johnson afterwards explained that he voted under a misapprehension; so that the substitution was made, in effect, by a unanimous vote of the Senate.

On the final passage in the Senate of the consolidated amendment the *ayes* were 33 and the *noes* 11. When the amendment was returned to the House, Mr. Stevens briefly explained the changes

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[1] Among the prominent Southern men who had received the pardon of the President, and who, desiring to hold office under the National Government, had their disabilities under the Fourteenth Amendment subsequently removed by Congress, were: M. C. Butler, James L. Orr, and William Aiken of South Carolina; Joseph E. Brown, Henry W. Hilliard, and Lafayette McLaws of Georgia; F. M. Cockrell, George G. Vest, and John B. Clarke of Missouri; J. D. C. Atkins and George Maney of Tennessee; Randall Gibson of Louisiana; Otho R. Singleton of Mississippi; Alexander R. Boteler of Virginia; Allen T. Caperton and Charles J. Faulkner of West Virginia; M. W. Ransom, Thomas S. Ashe, and A. M. Scales of North Carolina; W. B. Machen of Kentucky; John T. Morgan and James L. Pugh of Alabama.

These gentlemen had all held high positions either in the civil or military service of the Confederacy. A great number of additional names might be cited of persons who, having been fully pardoned by the President, were afterwards relieved of their disabilities by Congress. The names quoted are but a few of the more conspicuous of those who have, since the Rebellion, held high official positions under the Government of the United States.

that had been made in the Senate. The first section was altered to define who are citizens of the United States and of the States. Mr. Stevens declared this to be an excellent amendment, long needed to settle conflicting decisions between the several States and the United States. He said the second section had received but slight alteration. "I wish," he continued, "it had received more. It contains much less power than I could wish. It has not half the vigor of the amendment which was lost in the Senate." The third section, he said, had been wholly changed by substituting the ineligibility of certain high officials for the disfranchisement of all rebels until 1870. Mr. Stevens declared that he could not look upon this as an improvement. "It opens the elective franchise to such as the States may choose to admit. In my judgment it endangers the government of the country, both State and National, and may give the next Congress and President to the reconstructed rebels." The fourth section, "which renders inviolable the public debt and repudiates the rebel debt, will secure the approbation of all but traitors." "While I see," concluded Mr. Stevens, "much good in the proposition I do not pretend to be satisfied with it; yet I am anxious for its speedy adoption, for I dread delay. The danger is that before any Constitutional guard shall have been adopted, Congress will be flooded by rebels and rebel sympathizers." The House came to a final test on the Senate amendments on the 13th of June and concurred in all of them by a single vote — *ayes* 120, *noes* 32. The work of Congress in securing the Fourteenth Amendment was thus made complete.

The Constitutional amendment not requiring the assent of the President (for the good reason that the two-thirds of each House which can override a veto are here required in advance), was submitted to the States without delay. The notification to the States was dated June 16th. Connecticut was the first to assent to the amendment, — her Legislature being in session and her ratification made complete on the 30th, — precisely a fortnight from the date of submission. New Hampshire followed on the 7th of July. The third State was Tennessee. Her Legislature ratified the amendment on the 19th of July, by a vote of 58 to 17, counting both branches. Many of the States would doubtless have held extra sessions of their Legislatures to expedite the adoption of the amendment if such a course had been considered desirable by the leading members of Congress. It was deemed best, however, to leave the question open to discussion and deliberation, in order that the provisions of the amend-

ment, in all their length and breadth, should be completely understood by the people before the formal assent of the States should be urged. The three States named were the only ones which ratified the amendment before Congress adjourned.[1]

When the Reconstruction Committee reported the Fourteenth Amendment, they reported with it a bill declaring that "whenever said amendment shall become a part of the Constitution of the United States, and any State lately in insurrection shall have ratified the same and shall have modified its constitution and laws in conformity therewith," such State should be admitted to representation.

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[1] The form of the Fourteenth Amendment, as finally agreed upon by Congress and submitted to the States for ratification, is as follows: —

"ARTICLE XIV.

"SECT. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"SECT. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

"SECT. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each House, remove such disability.

"SECT. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions, and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

"SECT. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

There had been during the entire session of Congress a disposition to make an exception in favor of the State of Tennessee. She had of her own motion elected her loyal governor, and now for a year and a half the administration of the State was in a comparative degree orderly and regular. When telegraphic intelligence of the action of the Tennessee Legislature reached the Capitol Mr. Bingham of Ohio moved a joint resolution, reciting in effect by preamble, that as the "State of Tennessee has in good faith ratified the Fourteenth Amendment, and has also shown to the satisfaction of Congress, by a proper spirit of obedience in the body of her people, her return to due allegiance to the Government, laws and authority of the United States; therefore, be it resolved that the State of Tennessee is hereby restored to her former, proper, practical relations to the Union, and is again entitled to be represented in Congress by senators and representatives duly elected and qualified, upon their taking the oaths of office required by existing laws." Mr. Boutwell of Massachusetts desired to add a condition that Tennessee, as a prerequisite to the privilege of representation, should provide "an equal and just system of suffrage for the male citizens within its jurisdiction who are not less than twenty-one years of age." Mr. Bingham declined to admit it, shutting off all amendments by the force of the previous question, for which the House sustained his demand. After a few hours' debate the House passed the joint resolution by 125 *ayes* to 12 *noes*. The Democrats all supported the measure, though they objected strenuously to some of the implications of the preamble. The few votes in the negative were given by some radical Republicans, though Mr. Stevens, the leader of that wing of the party, supported the bill.

When the bill admitting Tennessee reached the Senate there was a discussion of some length in regard to changing the preamble which had been adopted by the House, the principal aim being to insert the declaration that "said State Government can only be restored to its former political relations in the Union by the consent of the law-making power of the United States." There was division among the Republican senators in regard to the expediency of this change. It was the judgment of the more conservative Republicans who followed Mr. Fessenden, that it was needless to risk a veto of an important bill of this character by confronting the President with a distinct negation of his own theory in a place where it practically availed nothing. After much discussion however it was concluded

to change the preamble for the sake of establishing a precedent in the first one of the Confederate States restored to the right of representation in Congress. The resolution of the House remained unchanged. The phrase, "hereby restored to her former, proper, practical relations to the Union," was one much cherished, because it was the original expression of Mr. Lincoln in his last public speech. The House readily concurred in the change of preamble.

The President accepted the challenge of his theory embodied in the preamble, not by veto, but in the more innocent form of argument. "If," said he, in a special message of July 25th, "the ratification of the Fourteenth Amendment to the Constitution of the United States be one of the conditions of admitting Tennessee, and if, as is also declared by the preamble, said State Government can only be restored to its former political relations to the Union by the consent of the law-making power of the United States, it would really seem to follow that the joint resolution, which at this late day has received the sanction of Congress, should have been passed, approved and placed on the statute-books before any amendment to the Constitution was submitted to the State of Tennessee for ratification. Otherwise the inference is plainly deducible that while in the opinion of Congress the people of a State may be too disloyal to be entitled to representation, they may nevertheless have an equally potent voice with other States in amending the Constitution, upon which so essentially depends the stability, prosperity and very existence of the nation."

The argument in the message was regarded as an ingenious censure of Congress by the President, and was loudly applauded on the Democratic side of the House. He concluded by declaring that notwithstanding the anomalous character of the resolution, he had affixed his signature to it. "My approval, however," he added, "is not to be construed as an acknowledgment of the right of Congress to pass laws preliminary to the admission of duly qualified representatives from any of the States." The senators and representatives of the State were sworn in and took their seats as soon as the President's message approving the bill was read, and the reconstruction of Tennessee was complete. She had regained all her rights as a member of the Union, coming in through the gateway of two Constitutional Amendments, the Thirteenth and the Fourteenth. It was evident from that moment that no one of the Confederate States would ever again be admitted, so long as the Republican party held

power in the country, except by giving their assent to the incorporation of the Fourteenth Amendment in the Constitution. The bill from the Reconstruction Committee requiring this as a condition was not enacted into law, but the admission of Tennessee was a precedent stronger than law. Of all the seceding States Tennessee was held to be the least offending, and the feeling of kindliness towards her had been manifest from the first among Republicans. It was evident therefore to the least observing, that no other State which had been engaged in the Rebellion would be permitted to resume the privilege of representation on less exacting conditions than had been imposed on Tennessee. It might be that their own conduct would cause more exacting conditions to be imposed.

Congress adjourned on the 28th of July. Elections were to be held in the ensuing autumn for representatives to the Fortieth Congress, and an opportunity was thus promptly afforded to test the popular feeling on the issue raised by the President's plan of Reconstruction. The appeal was to be made to the same constituency which two years before had chosen him to the Vice-Presidency, — augmented by the vote of Tennessee, now once more authorized to take part in electing the representatives of the nation. Seldom in the history of the country has a weightier question been submitted to popular arbitrament; seldom has a popular decision been evoked which was destined to exercise so far-reaching an influence upon the progress of the nation, upon the prosperity of the people. It was not an ordinary political contest between partisans of recognized and chronic hostility. It was a deadly struggle between the Executive and Legislative Departments of the Government, both of which had been chosen by the same party. This peculiar fact imparted to the contest a degree of personal acrimony and political rancor never before exhibited in the biennial election of representatives in Congress.

CHAPTER X.

A Cabinet Crisis. — Resignation of William Dennison, Postmaster-General, James Speed, Attorney-General, and James Harlan, Secretary of the Interior. — Succeeded respectively by Alexander W. Randall, Henry Stanbury, and Orville H. Browning. — Political Campaign of 1866. — Four National Conventions. — Two favoring the President; two adverse. — Philadelphia Convention, August 14, favoring the President. — Impressive in Numbers, distinguished in Delegates. — Philadelphia Convention of September 13. — Southern Loyalists and Northern Sympathizers. — List of Prominent Men in Attendance. — Marked Effect of its Proceedings. — Speech of Honorable James Speed. — Address to the People. — Written by the Honorable J. A. J. Creswell. — Soldiers' Convention at Cleveland. — Favorable to President. — Speech of General Ewing. — Convention principally Democratic in Membership. — Its Proceedings ineffective. — Soldiers' Convention at Pittsburg. — Hostile to President. — General Cox presides. — Distinguished Officers present. — Twenty-five Thousand Soldiers present. — Great Effect followed it in the Country. — Fourteenth Amendment the Rallying-point. — Political Events of the Summer. — Hostile to President. — New-Orleans Riot of July 30. — Great Slaughter. — Rebel Officers in Louisiana responsible. — Investigated by Congress. — Also by Military Authorities. — Reports substantially agree. — Censure of the President. — Result hurtful to his Administration. — His Famous Tour. — Injurious to his Administration. — Republicans victorious in Elections throughout the North. — Democrats victorious throughout the South. — House of Representatives Republican by Three to One. — President depressed. — Importance of the Elections of 1866. — Negro Suffrage. — The Difficulty of imposing it on the South. — Fourteenth Amendment the Test for Reconstruction.

THE hostility of the President to all measures which the Republican party deemed necessary for the proper reconstruction of the Southern States, had made a deep impression upon certain members of his Cabinet, and before midsummer it was known that a crisis was impending. On the 11th of July Mr. William Dennison, the Postmaster-general, tendered his resignation, alleging as the chief cause the difference of opinion between himself and the President in regard to the proposed Fourteenth Amendment to the Constitution. He had for some months felt that it would be impossible for him to co-operate with the President, and the relations between them were

no longer cordial, if they were not indeed positively hostile. Alexander W. Randall of Wisconsin, the first assistant Postmaster-general, was an outspoken supporter of the measures of the Administration, and was using every effort to prejudice Mr. Johnson's mind against Mr. Dennison, whom he was ambitious to succeed. Mr. Dennison felt that he was seriously compromising his position at home by remaining in the Cabinet, though he had been urged to that course by some zealous opponents of the Administration, who desired, as long as possible, to restrain the President from using the patronage of the Government in aid of his policy. Mr. Randall was promptly nominated as Mr. Dennison's successor and proved, in all respects, a faithful follower of his chief.

A week later Mr. James Speed resigned his post as Attorney-general. He had been regarded as very conservative on all pending issues relating to Reconstruction, but he now saw plainly that the President was inevitably drifting, not only to extreme views on the issue presented, but to an evident alliance with the Democratic party and perhaps a return to its ranks. Against this course Mr. Speed revolted. His inheritance of Whig principles, his anti-slavery convictions, his personal associations, all forbade his following the President in his desertion of the Republican party. He saw his duty, and promptly retired from a position which he felt that he could not hold with personal consistency and honor. His successor was Henry Stanbery of Ohio, a lawyer of high reputation and a gentleman of unsullied character. He belonged to that association of old Whigs who, in their extreme conservatism on the slavery question, had been driven to a practical union with the Democratic party.

A few days after Mr. Speed's resignation Mr. James Harlan retired from the Interior Department. He would have broken his relations with the President long before, but for the same cause that had detained Mr. Dennison. He was extremely reluctant to surrender the large patronage of the Interior Department to the control of a successor who would undoubtedly use it to promote the Reconstruction policy of the President, just as Mr. Randall would use the patronage of the Post-office Department. Mr. Harlan had therefore remained in the Cabinet as long as was consistent with his personal dignity, for the purpose of protecting the Republican principles which the President and he were alike pledged to uphold. He was succeeded by Mr. Orville H. Browning of Illinois, who had been a devoted friend of Mr. Lincoln, and had done much to secure his

nomination at Chicago. He had served for two years in the Senate after the death of Mr. Douglas, and but for the immediate control over his course by President Lincoln would have been a co-laborer with those who were hostile to the mode in which the war was prosecuted. His faith in Mr. Lincoln, his great admiration for his talent, and his strong personal attachment to him, had for the time maintained Mr. Browning in loyalty to the Republican party; but with the restraining influence of the great President gone, Mr. Browning, by reason of his prejudices not less than his convictions, at once affiliated and co-operated with the Democratic party. He was a man of fair ability and of honorable intentions, but always narrow in his views of public policy. Any thing that could possibly be considered radical inevitably encountered his hostility.

The political campaign of 1866 was one of greater excitement than had ever been witnessed in this country, except in the election of a President. The chief interest was in choosing members of the House of Representatives for the Fortieth Congress, and in controlling the Legislatures which were to choose senators of the United States and pass upon the Fourteenth Amendment. In elections of this character, even in periods of deepest interest, the demonstrations of popular feeling are confined to the respective States, but in this instance there were no less than four National Conventions, three of them, at least, of imposing magnitude and exerting great influence on popular action.

The first was called by the friends of President Johnson to meet in Philadelphia on the 14th of August. The object was to effect a complete consolidation of the Administration Republicans and the Democratic party, under the claim that they were the true conservators of the Union, and that the mass of the Republican party, in opposing President Johnson, were endangering the stability of the Government. A large majority of the delegates composing the convention were well-known Democrats, and they were re-enforced by some prominent Republicans, who had left their party and followed the personal fortunes of President Johnson. The most conspicuous of these were Montgomery Blair (who for some years had been acting with the Republicans), Thurlow Weed, Marshall O. Roberts, Henry J. Raymond, John A. Dix and Robert S. Hale of New York, Edgar Cowan of Pennsylvania, James R. Doolittle and Alexander W. Randall of Wisconsin, O. H. Browning of Illinois, and James Dixon of Connecticut. The Democrats were not only

overwhelmingly in the majority, but they had a very large representation of the leaders of the party in several States. So considerable a proportion of the whole number were men who had been noticeably active as opponents of Mr. Lincoln's Administration, that the convention was popularly described as a gathering of malignant copperheads who, during the war, could not have assembled in the city where they were now hospitably received, without creating a riot. Among the most conspicuous and most offensive of this latter class, — those who had especially distinguished themselves for the bitterness, and in some cases for the vulgarity, of their personal assaults upon Mr. Lincoln, — were Mr. Vallandigham of Ohio, Fernando Wood, Benjamin Wood and James Brooks of New York, Edmund Burke and John G. Sinclair of New Hampshire, Edward J. Phelps of Vermont, George W. Woodward, Francis W. Hughes and James Campbell of Pennsylvania, and R. B. Carmichael of Maryland. Among the leading Democrats, less noted for virulent utterances against the President, were Samuel J. Tilden, Dean Richmond and Sanford E. Church of New York, John P. Stockton and Joel Parker of New Jersey, David R. Porter, William Bigler and Asa Packer of Pennsylvania, James E. English of Connecticut, Robert C. Winthrop and Josiah G. Abbott of Massachusetts, William Beach Lawrence of Rhode Island, and Reverdy Johnson of Maryland.

Mr. Vallandigham's participation in the proceedings was met with objection. He had not spoken more violently and offensively against President Lincoln and against the conduct of the war than some other members of the convention, but his course had been so notorious and had been rendered so odious by his punishment, both in being sent beyond the rebel lines and afterwards in being defeated for governor of his State by more than one hundred thousand majority, that many of the delegates were not content to sit with him, — a sentiment which Mr. Vallandigham is said to have considered one of mawkish sentimentality, but one to which he deferred by quietly withdrawing from all participation in the proceedings. It was believed, and indeed openly asserted, at the time, that if he had chosen to remain the attempt to eject him by resolution, as was threatened, would have led to a practical dissolution of the convention.

The work of the convention was embodied in a long series of resolutions reported by Mr. Cowan of Pennsylvania, and an address prepared and read by Mr. Henry J. Raymond. Both the resolutions and the address simply emphasized the issue already presented to the

country by the antagonistic attitude of the President and Congress. In the resolutions, in the address, and in all the speeches, the one refrain was the right of every State to representation in Congress. The convention challenged the right in Congress to deny representation to a State, for a single day after the war was ended and submission to National authority had been proclaimed throughout the area of the Rebellion. In every form in which the argument could be presented, they disputed the right or power to attach any condition whatever to the re-admission of the rebel States to a free participation in the proceedings of Congress. One of the resolutions declared that "representation in the Congress of the United States or in the Electoral College is a right recognized by the Constitution as abiding in every State and as a duty imposed upon its people, fundamental in its nature and essential to the exercise of our republican institutions; and neither Congress nor the General Government has any authority or power to deny this right to any State, or withhold its enjoyment under the Constitution from the people thereof; and we call upon the people of the United States to elect to Congress, as members thereof, none but men who admit this fundamental right of representation and who will receive to seats in Congress their loyal representatives from every State in allegiance to the United States." This sentiment was embodied in many forms in Mr. Raymond's address, was, in fact, the one fundamental article in the creed of the Administration and the Democratic party, and afforded the common ground for their political co-operation.

Mr. Raymond undoubtedly marred the general effect of the address by carrying his argument to an extreme point. "It is alleged," said he, "that the condition of the Southern States and people is not such as renders safe their re-admission to a share in the government of the country, that they are still disloyal in sentiment and purpose, and that neither the honor, the credit, nor the interest of the Nation would be safe if they were re-admitted to a share in its counsels." Mr. Raymond maintained, even if the truth of this premise were granted, that it was sufficient to reply that "we have no right, for such reasons, to deny to any portion of the States or people rights expressly conferred upon them by the Constitution of the United States, and we have no right to distrust the purpose or the ability of the people of the Union to protect and defend, under all contingencies and by whatever means may be required, its honor and its welfare."

This assertion of the right of the Southern States to take part at once and peremptorily in the legislation of a country they had sought to ruin, was not conceded by the people of the loyal States. They did not require any refinement of argument to convince them that men who attempt to destroy a Government should not be permitted at once to share in its administration. They believed that the Congress of the United States would be guilty of a great wrong if it should unconditionally surrender its power to the men who demanded admission to peaceful control of the Nation only because they had failed to disrupt it by war. Mr. Raymond's personal friends and admirers, who were not confined to any one party, were amazed at the recklessness of his position. He did violence to sound logic by claiming more than was necessary to his argument, and he seriously injured his repute for political shrewdness by attempting to enforce a policy which grated on the sensibilities and aroused the prejudices of the vast majority of those who had filled the ranks of the Union Army.

Great advantage was expected by the President's supporters from the fact that the convention, as they averred, was so truly "National" — having delegates from every State of the Union. This feature was presented as in hurtful contrast with Republican conventions, whose members came almost entirely from the loyal States. A striking spectacle was attempted by having members from Northern and Southern States enter the great wigwam (which had been specially prepared for the meetings of the convention) arm in arm. To intensify the effect Massachusetts and South Carolina headed the procession, General Couch and ex-Speaker Orr typifying in this display the thorough cordiality of Unionist and Confederate in the return of peace and amicable relations. The danger of all such exhibitions is, that they may be made a subject of ridicule. This did not escape. The "wigwam" was parodied by the political wits of the Republican party as "Noah's Ark," into which there went, as described in Genesis, "*in two and two*," "*of clean beasts, and of beasts that are not clean, and of fowls, and of every thing that creepeth upon the earth.*" The humor which this comparison evoked was of a kind especially adapted to the stump and was used most effectively. Indeed the President's supporters, long before the canvass closed, heartily regretted that they had ever resorted to dramatic scenes as a method of promoting a political cause.

The convention of the President's supporters was followed a fort-

night later (September 3rd) in the same city — Philadelphia — by a still more imposing assemblage called by the loyalists of the South, who, desiring to explain their exact situation to co-operating friends, invited delegations from the Northern States to meet them. Prominent Republicans from every loyal Commonwealth responded in full force to these men who were endeavoring to reconstruct their States on an enduring basis of Constitutional liberty. Pennsylvania sent a generous delegation as hosts to those who were to enjoy the hospitalities of the State. Governor Curtin headed the list. Associated with him were General Geary, already named as his successor, General Simon Cameron, at that time a private citizen, Colonel John W. Forney, then editor of the *Philadelphia Press*, and representatives from every Congressional district in the State. Other States responded with equal cordiality. Senators Morgan and Harris, Horace Greeley, and John Jacob Astor, came from New York. Massachusetts sent her governor, her senators, and all her living ex-governors. It became, indeed, the fashion for the New-England States to send governors and ex-governors, and every State was represented in this way. New Jersey did likewise. The Western States were fully represented by their ablest and most zealous men. Two future Presidents were on the delegation from Ohio, with General Schenck and Stanley Matthews and the influential German editor Frederick Hassaurek. Oliver P. Morton came from Indiana, Lyman Trumbull from Illinois, Fairchild and Howe from Wisconsin, Zachariah Chandler and Carl Schurz (then editor of the *Detroit Post*) from Michigan. The border slave States sent strong men. N. B. Smithers came from Delaware; Senator Creswell, Francis Thomas, and C. C. Fulton of the *Baltimore American*, from Maryland; Governor Boreman, A. W. Campbell and Nathan Goff from West Virginia; Robert J. Breckenridge accompanied ex-Attorney-general Speed from Kentucky; while Missouri sent Governor Fletcher, sustained by an able delegation, of whom Van Horn, Fineklenberg and Louis Gottschalk were prominent members. A number of business men, headed by E. W. Fox, came from St. Louis.

Many of the Southern States were somewhat scantily represented. It was not safe in certain sections of the South to hold a convention for the selection of delegates, and yet one or more appeared from every one of the lately rebellious States. Thomas J. Durant and H. C. Warmoth came from Louisiana; D. H. Bingham and M. J. Safford from Alabama; G. W. Ashburn from Georgia; and Governor

A. J. Hamilton, Lorenzo Sherwood and George W. Paschal from Texas. Albion W. Tourgee, who has since won a brilliant reputation in literature, came from North Carolina with a strong delegation; J. W. Field and H. W. Davis from Mississippi. Virginia and Tennessee, of the original Confederacy, sent a large number of good men. From the former came John Minor Botts, George W. Somers, Lucius H. Chandler, Daniel H. Hoge, Lewis McKenzie, James M. Stewart, and some hundred and fifty others: the latter was represented by Governor Brownlow, Joseph S. Fowler, Samuel Arnell, A. W. Hawkins, Thomas H. Benton, General John Eaton, Barbour Lewis, and many others whose loyalty had been tested by many forms of personal peril.

These names give a fair indication of the character and weight of the convention. It was intended to be, and was, a representative body of true Union men, of the men who had borne persecution for Loyalty's sake, of the men who, having aided in achieving great victory, were resolved that it should not fail to bear its legitimate fruits. The delegates from all the States first assembled in Independence Square, and after a meeting of congratulation, marked by great enthusiasm, proceeded to form into two conventions, — one containing the loyalists who had called the convention, and the other the Northern delegates who had met to welcome them. Of the Southern Convention Mr. Thomas J. Durant of Louisiana was selected as temporary chairman, and Honorable James Speed of Kentucky as permanent chairman; and of the Northern Convention Governor Curtin of Pennsylvania was both temporary and permanent chairman. The motive for thus separating was to leave the Southern loyalists entirely untrammeled in their proceedings, in order that their voice might have greater weight in the country than if it were apparently directed by a large majority of Northern men assembling in the same body with them.

The Northern Convention concluded its proceedings on the third day with a mass-meeting larger than any that had ever assembled in Philadelphia. The Southern Convention remained in session full five days. The interest was sustained from beginning to end, and besides the delegates present, a vast assemblage of people thronged the streets of Philadelphia during all the sessions of the conventions. In an off year, as partisans call it, there had never been seen so great excitement, enthusiasm and earnestness in any political assemblage. Mr. Durant called the Southern Convention to order with

the same gavel that had been used in the Secession Convention in South Carolina. Governor Hamilton of Texas, who presented it for the occasion, reminded his audience that the whirligig of time brings about its revenges, and that it seemed a poetic retribution that a convention of Southern loyalists should be called to order with the same instrument that had rapped the South into disunion and anarchy.

On taking the chair as permanent president of the Southern Convention, Mr. Speed spoke of the Administration, of which for the past few months he had been a reluctant member, with a freedom which, during his connection with it, would have been improper if not impossible. He described the late convention in this place as one with which "we could not act." "Why was that convention here? It was here in part because the great cry came up from the white man of the South, — My Constitutional and my natural rights are denied me; and then the cry came up from the black man of the South, — My Constitutional and my natural rights are denied me. These complaints are utterly antagonistic, the one to the other; and this convention is called to say which is right. Upon that question, if upon none other, as Southern men, you must speak out your mind. Speak the truth as you feel it, speak the truth as you know it, speak the truth as you love permanent peace, as you may hope to establish the institutions of this Government so that our children and our children's children shall enjoy a peace that we have not known. . . . The convention to which I have referred, as I read its history, came here to simply record in abject submission the commands of one man. That convention did his commands. The loyal Congress of the United States had refused to do his commands; and whenever you have a Congress that does not resolutely and firmly refuse, as the present Congress has done, to merely act as the recording secretary of the tyrant at the White House, American liberty is gone forever."

Mr. Speed's language was a complete revelation, more emphatic than had yet been made, of the great differences which had prevailed in the Cabinet of the President with respect to his policy; and his words naturally created a sensation, not alone in the convention, but throughout the country. The fact of his identification with the President, in the closest official intercourse, ever since his accession, added vastly to the weight of Mr. Speed's address and gave to it an influence which he had not, perhaps, anticipated when he delivered it. This influence was doubtless enhanced by the fact that the author of the speech was a native and citizen of the South. It was

a stimulus to the patriotic zeal of Northern Republicans to find a man from the South taking advanced ground that possibly involved peril to himself before the angry contest should be finally settled.

— The address agreed upon in the Southern Convention was in the form of an appeal "from the loyal men of the South to their fellow-citizens of the United States." It declared that the representatives of eight millions of American citizens "appeal for protection and justice to their friends and brothers in the States that have been spared the cruelties of the Rebellion and the direct horrors of civil war." "Having," said the address, "lost our champion, we return to you who can make presidents and punish traitors. Our last hope, under God, is in the unity and firmness of the States that elected Abraham Lincoln and defeated Jefferson Davis."

— "We cannot better define at once our wrongs and our wants than by declaring, that since Andrew Johnson affiliated with his early slanderers and our constant enemies, his hand has been laid heavily upon every earnest loyalist of the South."

— "History, the just judgment of the present and the certain confirmation of the future, invites and commands us to declare, that after neglecting his own remedies for restoring the Union, Andrew Johnson has resorted to the weapons of traitors to bruise and beat down patriots."

— "After declaring that none but the loyal should govern the reconstructed South, he has practiced upon the maxim that none but traitors shall rule."

— "In the South he has removed the proved and trusted patriot from office, and selected the unqualified and convicted traitor."

— "After brave men, who had fought the great battle for the Union, had been nominated for positions, their names were recalled and avowed rebels substituted."

— "Every original Unionist in the South, who stands fast to Andrew Johnson's covenants from 1861 to 1865, has been ostracized."

— "He has corrupted the local courts by offering premiums for the defiance of the laws of Congress, and by openly discouraging the observance of the oath against treason."

— "While refusing to punish one single conspicuous traitor, though great numbers have earned the penalty of death, more than one thousand devoted Union soldiers have been murdered in cold blood since the surrender of Lee, and in no cases have their assassins been brought to judgment."

— "He has pardoned some of the worst rebel criminals, North and South, including some who have taken human life under circumstances of unparalleled atrocity."

— "While declaring against the injustice of leaving eleven States unrepresented, he has refused to authorize the liberal plan of Congress, simply because they have recognized the loyal majority and refused to perpetuate the traitor minority."

— "In every State south of Mason and Dixon's line his policy has wrought the most deplorable consequences, — social, moral and political."

Upon these indictments a powerful address was based, giving argument, illustration, fact and indisputable conclusion. The address was framed by Senator Creswell of Maryland, and the style and tone were beyond praise. It was received with great applause in the convention, was adopted with unanimity, and created a profound influence upon the public opinion of the North. It was the deliberate, well-conceived and clearly stated opinion of thoughtful and responsible men, was never disproved, was practically unanswered, and its serious accusations were in effect admitted by the South. The one objective point proclaimed in the address, repeated in the resolutions, echoed and re-echoed by every speaker, both in the Northern and Southern Conventions, was the adoption of the Fourteenth Amendment. It was evidently the unalterable determination of the Republicans to make that the leading feature of the campaign, to enforce it in every party convention, to urge it through the press, to present it on the stump, to proclaim it through every authorized exponent of public opinion. They were determined that the Democratic party of the North should not be allowed to ignore it or in any way to evade it. It was to be the Shibboleth of the Republican canvass, and the rank and file in every loyal State were engaged in its presentation and its exposition.

The friends of the Administration, feeling the disadvantage under which they labored by an apparent combination of all the earnest supporters of the war for the Union against them, sought to create a re-action in their favor by calling a soldiers' convention to meet at Cleveland, on the 17th of September. A considerable number of respectable officers responded to the summons; but relatively the demonstration was weak, ineffective and in the end hurtful to the Administration. The venerable General Wool of the regular army, the oldest major-general in the United States at the time, was made

president of the convention and his selection was significant of the proceedings. He had been all his life a soldier and nothing but a soldier. He was a major of infantry in the war of 1812 and had been in continuous service thereafter. He denounced the Abolitionists after the manner that had been the custom in the regular army prior to the war. He thought the convention had been called to protest against another war which he was sure the Abolitionists were determined to force on the country. "Another civil war is foreshadowed," said he, "unless the freedmen are placed on an equality with their previous masters. If this cannot be accomplished, radical partisans, with a raging thirst for blood and plunder, are again ready to invade the Southern States and lay waste the country not already desolated, with the sword in one hand and the torch in the other. These revengeful partisans would leave their country a howling wilderness for the want of more victims to gratify their insatiable cruelty. . . . Let there be peace! Yet there are those among us who are not sufficiently satiated with blood and plunder, and cry for more war." General Wool would have been severely criticised if it had not been remembered that for nearly sixty years he had been a faithful soldier and had loyally followed the flag of the Union in three wars.

Many members of the convention were outspoken Democrats and their presence, therefore, did not indicate any division in the Republican ranks, — the objective point to which all the efforts of the Administration were steadily addressed. Conspicuous representatives of this class were Generals John A. McClernand of Illinois, J. W. Denver of California, Willis A. Gorman of Minnesota, James B. Steedman of Ohio. The delegates who had been Republicans were all of the most conservative type, and it is believed that every one of them became permanently identified with the Democratic party. The most prominent of these were General Thomas Ewing of Kansas, Governor Bramlette and General Rousseau of Kentucky, and Honorable Lewis D. Campbell of Ohio. General Gordon Granger and General George A. Custer of the regular army were very active in organizing the convention. It was evident that the number of soldiers present was small; and the convention really failed in its principal aim, which was to strengthen the President in the loyal States.

A telegram, expressing sympathy with its proceedings, was received by the convention from a number of Confederate officers

who were gathered at Memphis. But it was unfortunate that General N. B. Forrest was a conspicuous signer; still more unfortunate that the convention passed a resolution of thanks to Forrest and his rebel associates for the "magnanimity and kindness" of their message. Forrest's name was especially odious in the North for his alleged guilty participation in the massacre at Fort Pillow. All other circumstances united did not condemn the convention in Northern opinion so deeply as this incident. Further investigation of the Fort Pillow affair has in some degree ameliorated the feeling against General Forrest, but at that time his name among the soldiers of the Union was as bitterly execrated as was that of the Master of Stair among the Macdonalds of Glencoe, or of Haynau, at a later day, among the patriots of Hungary.

The only noteworthy speech in the convention was delivered by General Thomas Ewing. It was able, but extreme in its hostility to the policy of Congress. He and Mr. Browning were law-partners at the time of Mr. Johnson's accession to the Presidency. Both had supported Mr. Lincoln, and both now resolved to oppose the Republican party. General Ewing's loss was regretted by a large number of friends. He had inherited talent and capacity of a high order, was rapidly rising in his profession, and seemed destined to an inviting political career in the party to which he had belonged from its first organization. In supporting the policy of President Johnson he made a large sacrifice, — large enough certainly to free his action from the slightest suspicion of any other motive than conviction of duty. General Ewing has since adhered steadily to the Democratic party.

The fourth of the National Conventions which this remarkable year witnessed, was that of the citizen soldiers and sailors, held at Pittsburg on the 25th and 26th of September. Nine out of ten, perhaps even a larger proportion, of those who had defended the Union with arms, were hostile to the President's policy. As soon therefore as it was attempted to secure a political advantage for the Administration by calling the Cleveland Convention, the great mass of Union soldiers demanded that a convention be held in which their true position might be proclaimed. The response was overwhelming both in numbers and enthusiasm. Pittsburg was literally overrun. In addition to the large number of regimental and company officers who had done their duty in the service, there was an immense outpouring of privates. It was said that not less than twenty-five thousand who had served in the ranks of the Union army were

present. A private soldier, L. Edwin Dudley, was chosen temporary president, and a majority of the prominent officers of the convention were privates and non-commissioned officers. Mr. Dudley was a clerk in the Treasury Department at Washington, and being refused a leave of absence for two days to attend the convention, he promptly resigned his place and joined his brethren at Pittsburg. The incident of the resignation strikingly illustrates the depth of feeling which the contest between the President and Congress had developed among the soldiery of the Union.

Officers of high rank in the volunteer service were not wanting. Generals Butler and Banks of Massachusetts, Palmer and Farnsworth of Illinois, Negley, Geary, Hartranft and Collis of Pennsylvania, Cochrane, Barnum and Barlow of New York, Chamberlain from Maine, Schenck and Cox from Ohio, Duncan and Harriman from New Hampshire, Daniel McCauley of Indiana, and many of their fellow-officers, took active and zealous part in the convention. Every loyal State except possibly Oregon was represented. Far-off California and Nevada, then without the facility of railway connection, sent delegates. The border States of the South were present in full force, and Union men who had borne their part in the civil contest came from every Confederate State. General John A. Logan had been unanimously elected as permanent president of the convention, but at the last moment he found himself unable to attend and his place was filled, with equal unanimity of selection, by General Jacob D. Cox of Ohio. General Cox, on taking the chair, made an address of great firmness. It was even radical in its positions and aggressive in its general tone.

He said it was "unpleasant to recognize the truth that it is in the minds of some to exalt the Executive Department of the Government into a despotic power and to abase the representative portion of our Government into the mere tools of despotism. Learning that this is the case, we now, as heretofore, know our duty, and knowing, dare maintain it. The citizen soldiery of the United States recognize the Congress of the United States as the representative government of the people. We know and all traitors know that the will of the people has been expressed in the complexion and character of the existing Congress. . . . We have expressed our faith that the proposition which has been made by Congress for the settlement of all difficulties in the country [the Fourteenth Amendment] is not only a wise policy, but one so truly magnanimous that the whole world stood in wonder that a people could, under such circumstances, be

so magnanimous to those whom they had conquered. And when we say we are ready to stand by the decision of Congress, we only say as soldiers that we follow the same flag and the same principles which we have followed during the war."

The resolutions, read by General B. F. Butler, were explicit and unqualified in their declarations, and were indorsed with absolute unanimity. They declared that "the action of the present Congress in passing the pending Constitutional amendment is wise, prudent and just. That amendment clearly defines American citizenship and guarantees all his rights to every citizen. It places on a just and equal basis the right of representation, making the vote of a man in one State equally potent with the vote of another man in any State. It righteously excludes from places of honor and trust the chief conspirators and guiltiest rebels, whose perjured crimes have drenched the land in blood. It puts into the very frame of our Government the inviolability of our National obligations, and nullifies forever the obligations contracted in support of the Rebellion." The resolutions further declared it to be "unfortunate for the country that the propositions contained in the Fourteenth Amendment have not been received with the spirit of conciliation, clemency and fraternal feeling in which they were offered, as they are the mildest terms ever granted to subdued rebels."

The members of the convention were in a tempest of anger against the President. They declared "that his attempt to fasten his scheme of Reconstruction upon the country is as dangerous as it is unwise; that his acts in sustaining it have retarded the restoration of peace and unity; that they have converted conquered rebels into impudent claimants to rights which they have forfeited and to places which they have desecrated. If the President's scheme be consummated it would render the sacrifice of the Nation useless, the loss of her buried comrades vain, and the war in which we have so gloriously triumphed a failure, as it was declared to be by President Johnson's present associates in the Democratic National Convention of 1864." Many other propositions of an equally decisive character were announced by the convention, and General John Cochrane declared that "a more complete, just and righteous platform for a whole people to occupy has never before been presented to the National sense."

Of the four conventions held, this, of the soldiers who had fought the battles of the Union, was far the most influential upon public opinion. In its membership could be found representatives of every

great battle-field of the war. Their testimony was invaluable. They spoke for the million comrades with whom they had stood in the ranks, and their influence consolidated almost *en masse* the soldier vote of the country in support of the Republican party as represented by Congress. Their enthusiasm was greater, their feeling more intense, their activity more marked than could be found among the civilians of the country who were supporting the same principles. They declared the political contest to be *their own fight*, as they expressed it, and considered themselves bearing the banner of loyalty as they had borne it in the actual conflict of arms. Their convention, their expressions, their determination were felt throughout the entire Union as an aggressive, irresistible force. From their ranks came many of the most attractive and most eloquent speakers, who discussed the merits of the Constitutional amendment before popular audiences as ably as they had upheld the flag of the Union through four years of bloody strife. Their convention did more to popularize the Fourteenth Amendment as a political issue than any other instrumentality of the year. Not even the members of Congress, who repaired to their districts with the amendment as the leading question, could commend it to the mass of voters with the strength and with the good results which attended the soldier orators who were inspired to enter the field.

Other events powerfully contributed to the political overthrow of the President. After the change in his policy in the summer and autumn of 1865, which has been already noted, the Southern rebels, who had at first been cast down and discouraged, saw before them the prospect of regaining complete ascendency in their respective States. As the division between the President and Congress widened, their confidence increased; and as their confidence increased, a reign of lawlessness and outrage against the rights of the defenseless was inaugurated. The negroes, who had begun to learn their freedom, were not only subjected to laws of practical re-enslavement, but to a treatment whose brutality could not have been foreseen. It was estimated that before the adjournment of Congress more than a thousand negroes and many white Unionists had been murdered in the South, without even the slightest attempt at prosecuting the murderers. Though the aggregate number of victims was so great, they were scattered over so vast a territory that it was diffi-

cult to impress the public mind of the North with the real magnitude of the slaughter. But this incredulity vanished in a moment when the nation was startled on the 30th of July, two days after the adjournment of Congress, by a massacre at New Orleans, which had not the pretense of justification or even of provocation.

The circumstances that led to it may be briefly stated. The convention which formed the free constitution of the State in 1864 was ordered to re-assemble by its president, upon authority which, he held, was conferred upon him by the convention at the time the constitution was formed. Apprehending that some measures were to be taken hostile to the re-establishment of rebel power in the State of Louisiana, it was resolved by the opponents of the Republican party that the members of the convention should not be allowed to come together and organize. Threats were insufficient to effect this end. Intimidation of every character had been tried in vain. The men who thought they had the right, as American citizens, to meet for conference refused to be bullied out of their plain privileges under the guarantees of the National Constitution. There was a dispute as to their legal right to take any action touching the constitution of the State — a dispute altogether proper for judicial inquiry. Even if they had assembled and proceeded to amend the constitution, their action could have had no binding effect until approved by a vote of the people. The question which lay at the bottom of the agitation was that of negro suffrage; but the negroes were not entitled to vote under the constitution as it stood, nor could they vote upon an amendment to the constitution conferring the right of suffrage upon them. Whatever the convention might do, therefore, would be ineffectual until approved by a majority of the white voters of the State. It obviously followed that the men who violently resisted the assembling of the convention could not justify themselves by the declaration that negro suffrage was about to be imposed upon them. Their position practically was that a majority of the white population should not exercise the right of giving suffrage to the negro.

When the convention attempted to assemble against the desire and remonstrance of their political opponents, a bloody riot ensued — not a riot precipitated by the ordinary material that makes up the mobs of cities, but one sustained by the obvious sympathy and the indirect support of the municipal authorities of New Orleans, and by the leading rebels of the State. General Absalom Baird, an able and pru-

dent officer of the regular army, was in command of the district, but was purposely deceived by the municipal authorities, to the end that troops might not be at hand to quell the riot and stop the assassination which had been planned with diabolical ingenuity. The slaughter, in point of numbers, resembled that of a brisk military engagement in the field. The number killed outright was about forty. The wounded exceeded one hundred and fifty, of whom perhaps one-third were severely injured, many of them mortally. The city police of New Orleans aided the rioters. General Sheridan, in command of the department, officially reported that "the killing was in a manner so unnecessary and atrocious as to compel me to say it was murder." The lamentable transaction was investigated by a committee of Congress, composed of Messrs. Eliot of Massachusetts, Shellabarger of Ohio, and Boyer of Pennsylvania, the first two being Republicans, the last-named a Democrat. An investigation was also made under the direction of the War Department, by a commission of military officers, composed of Generals Mower, Quincy, Gregg, and Baldy. These officers reported that in their opinion "the whole drift and current of the evidence tend irresistibly to the conclusion that there was among the class of *violents* known to exist in the State, and among the members of the ex-Confederate associations, a preconcerted plan and purpose of attack upon the convention, provided any possible pretext therefor could be found.'

The majority of the Congressional Committee took the same view, declaring that "the riotous attack upon the convention with its terrible results of massacre and murder was not an accident. It was the determined purpose of the mayor of the city of New Orleans to break up this convention by armed force." The Congressional Committee did not make their investigation until the succeeding winter session of 1866–7. "We state one fact," said the committee, "significant both as bearing upon the question of preparation and as indicating the true and prevailing feeling of the people of New Orleans. Six months have passed since the convention assembled, when the massacre was perpetrated and more than two hundred men were slain and wounded. This was done by city officials and New-Orleans citizens, but not one of those men has been punished, arrested or even complained of. These officers of the law, living in the city and known to that community, acting under the eye of superiors, clothed with the uniform of office, and some of them known, as the proof shows, to the chief officer of police, have not only escaped punishment but have been continued in their places."

Not only were the men who instigated and committed the terrible murders left unpunished, but, as the committee said, "the gentlemen who composed the convention have not, however, been permitted to escape. Prosecutions in the criminal court, under an old law passed in 1805, were at once commenced and are now pending against them for breach of the peace." Another authority declares that "the judge of the criminal court in New Orleans instructed the grand jury to find bills of indictment against the members of the convention and the spectators, charging them with murder; giving the principle of law and applying it in this case, that whoever is engaged in an unlawful proceeding from which death ensues to a human being, is guilty of murder, and alleging that as the convention had no right to meet and the police had killed many men on the day of its meeting, the survivors were, therefore, guilty of murder." The Congressional Committee did not hesitate to declare that "the facts tend strongly to prove that the criminal actors in the tragedy were the agents of more criminal employés, and demonstrate the general sympathy of the people in behalf of the men who did the wrong against those who suffered the wrong."

The President came in for a full share of censure in connection with this unhappy event. The committee reported that "The President knew that riot and bloodshed were apprehended. He knew what military orders were in force, and yet, without the confirmation of the Secretary of War or the General of the Army, upon whose responsibility these military orders had been issued, he gave orders by telegraph, which if enforced, as they would be, would have compelled our soldiers to aid the rebels against the men in New Orleans who had remained loyal during the war, and sought to aid and support, by official sanction, the persons who designed to suppress, by arrest and criminal process under color of law, the meeting of the convention; and all this, although the convention was called with the sanction of the governor, and by one of the judges of the Supreme Court of Louisiana claiming to act as President of the convention. The effect of the action of the President was to encourage the heart, to strengthen the hand, and to hold up the arms of those who intended to prevent the convention from assembling." Mr. Boyer, the minority member of the committee, submitted a report dissenting from the conclusions of the majority, and making, as nearly as could be done, a defense of the men who had really been the guilty aiders and abettors of the crime; but he did not deny the fact of the riot nor of the great number of its victims.

The substantial correctness of the report made by the majority of the Congressional Committee was never shaken, though it was angrily attacked by the supporters of the Administration. Aside from the credit imparted to it by the conscientious character of both Mr. Eliot and Mr. Shellabarger, the corroboration of all its material statements by the Commission of Army officers was invaluable. The military men were not suspected of partisan motives. They had no political theories to maintain, no animosities to indulge, no personal revenges to cherish. They proceeded as coolly as though they were investigating alleged frauds by army contractors or were hearing evidence touching the damage to frontier settlers by an Indian raid. The intelligence and impartiality of investigations entrusted to army officers have become proverbial, and their report of the facts in the New Orleans riot arrested the attention of the North in an unprecedented degree. Every thing possible was done by the opponents of the Republican party to break the force of the damaging facts, but apparently without success. Indeed the people of the United States have rarely been stirred to greater excitement than that aroused by the full details of this nefarious transaction as it came to them through the public press and through official reports. The effect was disastrous to the President, and was hurtful, in the extreme, to the cause of prompt reconstruction. The Northern people shrank from the responsibility of transferring the government of States to the control of men who had already shown themselves capable of desperate deeds. In their wrathful zeal for justice they would hear no apology and no defense of the President. They held him as an accomplice in the crime, — as one having in advance a guilty knowledge of the pre-arranged assassination. In every way in which public indignation can be expressed, in every form in which public anger can vent itself, the loyal people of the Northern States manifested their feelings, and did not spare in their bitter denunciations the personal character of the President or the unspeakable guilt of his Southern supporters.

The bloody tragedy of midsummer, which had weighed down the people with a sense of the gravest solicitude, was followed by what might well be termed its comedy. During the early spring the President had accepted an invitation from the citizens of Chicago to attend the ceremony of laying a corner-stone for a monument to be erected to the memory of Stephen A. Douglas. The date fixed for the President's visit was September 6th, and he left Washington on

the 28th of August, accompanied by Secretary Welles, Postmaster-general Randall, General Grant, Admiral Farragut, by a considerable number of army officers and by a complement of private secretaries and newspaper reporters, — apparently intending to convert the journey into a political canvass. Mr. Seward joined the company in New York. The somewhat ludicrous effect produced by combining a series of turbulent partisan meetings to be addressed by the President with the solemn duty of paying respect to the memory of a dead statesman, did not fail to have its effect upon the appreciative mind of his countrymen, and from the beginning to the end of the tour there was a popular alternation between harsh criticism and contemptuous raillery of Mr. Johnson's conduct.

His journey was by way of Philadelphia and New York, to Albany; thence westward to Chicago. At all the principal cities and towns along the route large bodies of people assembled. Democrat and Republican, Administration and anti-Administration, were commingled. The President spoke everywhere in an aggressive and disputatious tone. It has been the decorous habit of the Chief Magistrate of the country, when upon a tour among his fellow-citizens, to refrain from all display of partisanship, and to receive popular congratulations with brief and cordial thanks. President Johnson, however, behaved as an ordinary political speaker in a heated canvass, receiving interruptions from the crowd, answering insolent remarks with undignified repartee, and lowering at every step of his progress the dignity which properly appertains to the great office. At Cleveland the meeting resembled occasions not unfamiliar to our people, where the speaker receives from his audience constant and discourteous demonstrations that his words are unwelcome. The whole scene was regarded as lamentable and one which must have been deeply humiliating to the eminent men who accompanied the President.

He made the tour the occasion for defending at great length his own policy of Reconstruction, and arraigned with unsparing severity the course of Congress in interposing a policy of its own. The most successful political humorist of the day,[1] writing in pretended support of the President, described his tour as being undertaken "to arouse the people to the danger of concentrating power in the hands of Congress instead of diffusing it through one man." Wit and sarcasm

[1] Petroleum V. Nasby.

were lavished at the expense of the President, gibes and jeers and taunts marked the journey from its beginning to its end. "My policy" was iterated and reiterated, until the very boys in the streets, without knowing its meaning, knew that it was the source and subject of ridicule, and made it a jest and a by-word at Mr. Johnson's expense. The whole journey came to be known as "swinging around the circle," and its incidents entered daily into the thoughts of the people only as subjects of disapprobation on the part of the more considerate, and of persiflage and ribaldry on the part of those who regarded it only as matter of amusement. With whatever strength or prestige the President left Washington, he certainly returned to the Capital personally discredited and politically ruined. Upon the direct public issue which he had raised he would undoubtedly have been beaten in nearly all the Northern States, but when his weakness had brought him within fair range of ridicule, he became powerless even in the place of power.

Meanwhile, during the National Conventions referred to and during the remarkable tour of the President, the cause of his opponents was urged in every State and in every district, with extraordinary energy on the part of leaders, with corresponding interest on the part of the people. The contest for the governorship of New York between Reuben E. Fenton and John T. Hoffman, and for the governorship of Pennsylvania between John W. Geary and Hiester Clymer, excited deep interest far beyond the borders of either State. The vote for these candidates was looked to as giving the aggregate popular expression touching the merits of the Administration, and carried with it the united interest which attached to all the Congressional districts. When at last a test was reached and the people had an opportunity to speak the Administration was overwhelmingly defeated. Vermont, usually so strong in its Republican vote, now increased the ordinary majority by thousands. Maine elected General Chamberlain governor by twenty-eight thousand majority.

Pennsylvania, Ohio, Indiana and Iowa were then all known in current phrase as October States. They voted for members of Congress and State officers on the second Tuesday of that month. The result was a significant verdict against the Administration. In Pennsylvania Geary, on a much fuller vote than was cast at the Presidential election two years before, led Clymer by nearly as large a majority

as that by which Lincoln led McClellan. The Congressional election resulted in the choice of eighteen Republican to six Democratic representatives. Ohio, on her State ticket, gave forty-three thousand majority against the Administration, and elected sixteen Republican representatives in Congress, leaving only three districts to the Democrats. In Indiana, a State always hotly contested, the Republicans secured the popular vote by a majority of nearly fifteen thousand and carried every Congressional district except three. Iowa gave a popular majority of thirty-six thousand and carried every Congressional district for the Republicans.

Under the impulse and influence of these great victories in October the November States recorded a like result. New York, of course, absorbed the largest share of public interest. Two years before, Lincoln had beaten McClellan by less than seven thousand votes. Fenton had now double that majority over Hoffman and the Republicans carried two-thirds of the Congressional districts. Throughout the West, Republican victory swept every thing before it. Michigan gave thirty-nine thousand popular majority and a unanimous Republican delegation in Congress. Illinois gave fifty-six thousand popular majority, with nearly all the representatives. Wisconsin gave twenty-four thousand popular majority and elected every Republican candidate for representative except one. Northern States which had been tenaciously Democratic gave way under the popular pressure. New-Jersey Republicans elected a majority of the members of Congress and a majority of each branch of the State Legislature. Connecticut was carried by Governor Hawley against the most popular Democrat in the State, James E. English. California gave seven thousand majority for the Republicans, while Oregon elected a Republican governor and Republican representative in Congress.

The aggregate majority for the Republicans and against the Administration in the Northern States was about three hundred and ninety thousand votes. In the South the elections were as significant as in the North, but in the opposite direction. Wherever Republican or Union tickets were put forward for State or local offices in the Confederate States, they were defeated by prodigious majorities. Arkansas gave a Democratic majority of over nine thousand, Texas over forty thousand, and North Carolina twenty-five thousand. The border slave States were divided. Delaware, Maryland and Kentucky gave strong majorities for the Democrats, while West

Virginia and Missouri were carried by the Republicans. The unhappy indication of the whole result was that President Johnson's policy had inspired the South with a determination not to submit to the legitimate results of the war, but to make a new fight and, if possible, regain at the ballot-box the power they had lost by war. The result of the whole election was to give to the Republicans one hundred and forty-three representatives in Congress and to the Democrats but forty-nine. The defeat was so decisive that if the President had been wise he would have sought a return of friendly relations with the party which had elected him, or at least some form of compromise which would have averted constant collision, with its certainty of defeat and humiliation. But his disposition was unyielding. His prejudices obscured his reason.

It was well known that the President felt much cast down by the result. He had, as is usual with Presidents, been surrounded by flatterers, and had not been advised of the actual state of public opinion. Political deserters, place-seekers and personal sycophants had constantly assured the President that his cause was strong and his strength irresistible. They had discovered that one of his especial weaknesses was an ambition to be considered as firm and heroic in his Administration as General Jackson had proved in the Executive chair thirty years before. He received, therefore, with evident welcome the constant adulation of a comparison between his qualities and those of General Jackson, and he came to fancy that he would prove, in his contest for the unconditional re-admission of Southern States to representation, as mighty a power in the land as Jackson had proved in his struggle with the Bank monopolists and with the Disunionists of South Carolina. But those who had studied the character of Johnson knew that aside from the possession of personal integrity, he had few qualities in common with those which distinguished Jackson. Johnson was bold and fluent in public speech, irresolute and procrastinating in action: Jackson wasted no words, but always acted with promptness and courage. Johnson was vain, loquacious, and offensively egotistic: Jackson, on the other hand, was proud, reserved, and with such abounding self-respect as excluded egotism. The two men, instead of being alike, were in fact signal contrasts in all that appertains to the talent for administration, to the quick discernment of the time for action, and to the prompt execution of whatever policy might be announced.

The Republicans had found an easier victory over Johnson than

they had anticipated. They were well led in the great contest of 1866. In New England the President really secured no Republican support whatever. Soon after his accession to the Presidency he had induced Hannibal Hamlin, with whom he had been on terms of personal intimacy in Congress, to accept the Collectorship of Customs at Boston, but as soon as Mr. Hamlin discovered the tendency of Johnson's policy he made haste, with that strict adherence to principle which has always marked his political career, to separate himself from the Administration by resigning the office. It was urged upon him that he could maintain his official position without in any degree compromising his principles, but his steady reply to earnest friends who presented this view, was that he was an old-fashioned man in his conception of public duty, and he would not consent to hold a political office under a President from whose policy he instinctively and radically dissented. Mr. Hamlin's course was highly applauded by the mass of Republicans throughout the country, and especially by his old constituents in Maine. His action took from Mr. Johnson the last semblance of a prominent Republican friend in New England and gave an almost unprecedented solidity to the public opinion of that section.

The adherence of Mr. Seward to the Administration, the loss of Thurlow Weed as an organizer, and the desertion of the *New-York Times*, had created great fear as to the result in New York, but the popularity of Governor Fenton, supplemented by the support of Senator Morgan and of the younger class of men then coming forward, of whom Roscoe Conkling was the recognized chief, imparted an energy and enthusiasm to the canvass which proved irresistible. In Pennsylvania the contest was waged with great energy by both parties. The result would determine not merely the control of the local administration, not merely the character of the delegation in Congress, but the future leadership of the Republican party of the State. Simon Cameron sought a restoration to his old position of power by a return to the Senate. During the five years that had elapsed since he retired from the War Department Mr. Cameron's supremacy had been challenged by the political *coterie* that surrounded Governor Curtin. They boastfully proclaimed indeed that the sceptre of power was in their hands and could not be wrenched from them. But the reaction against them was strong and did not cease until Cameron had driven his leading enemies to seek refuge in the Democratic party.

In the West the hostility to the President and the support of the policy of Congress were even more demonstrative than in the East. All the prominent Republicans of Ohio were on the stump and the canvass was extraordinarily heated, even for a State which has had an animated contest every year since the repeal of the Missouri Compromise. Governor Morton's candidacy for the Senate gave great earnestness to the struggle in Indiana, while Senator Chandler not only rallied Michigan to the necessity of giving an immense majority, but with his tremendous vitality added nerve and zeal to every contest in the North-western States. The whole result proved to be one of commanding influence on the future course of public events. The Republicans plainly saw that the triumph of President Johnson meant a triumph of the Democratic party under an *alias*, that the first-fruits of such a victory would be the re-establishment of the late Confederate States in full political power inside the Union, and that in a little more than five years from the firing on Sumter, and a little more than one year from the surrender of Lee, the same political combination which had threatened the destruction of the Union would be recalled to its control.

The importance, therefore, of the political struggle of 1866 cannot be overestimated. It has, perhaps, been underestimated. If the contest had ended in a victory for the Democrats the history of the subsequent years would, in all probability, have been radically different. There would have been no further amendment to the Constitution, there would have been no conditions of reconstruction, there would have been such a neutralization of the anti-slavery amendment as would authorize and sustain all the State laws already passed for the practical re-enslavement of the negro, with such additional enactments as would have made them cruelly effective. With the South re-admitted and all its representatives acting in cordial co-operation with the Northern Democrats, the result must have been a deplorable degradation of the National character and an ignoble surrender to the enemies of the Union, thenceforth to be invested with the supreme direction of its government.

There was an unmistakable manifestation throughout the whole political canvass of 1866, by the more advanced section of the Republican party, in favor of demanding impartial suffrage as the basis of reconstruction in the South. It came from the people rather than from the political leaders. The latter class, with few exceptions, shunned the issue, preferring to wait until public sentiment should

become more pronounced in favor of so radical a movement. But a large number of thinking people, who gave more heed to the absolute right of the question than to its political expediency, could not see how, with consistency, or even with good conscience and common sense, the Republican party could refrain from calling to its aid the only large mass of persons in the South whose loyalty could be implicitly trusted. To their apprehension it seemed little less than an absurdity, to proceed with a plan of reconstruction which would practically leave the State governments of the South under the control of the same men that brought on the civil war.

They were embarrassed, however, in this step by the constantly recurring obstacle presented by the constitutions of a majority of the loyal States. In five New-England States suffrage to the colored man was conceded, but in Connecticut only those negroes were allowed to vote who were admitted freedmen prior to 1818. New York permitted a negro to vote after he had been three years a citizen of the State and had been for one year the owner of a freehold worth two hundred and fifty dollars, free of all incumbrances. In every other Northern State none but "white men" were permitted to vote. Even Kansas, which entered the Union under the shadow of the civil war, after a prolonged and terrible struggle with the spirit of slavery, at once restricted suffrage to the white man; while Nevada, whose admission to the Union was after the Thirteenth Amendment had been passed by Congress, denied suffrage to "any negro, Chinaman or mulatto." A still more recent test was applied. The question of admitting the negro to suffrage was submitted to popular vote in Connecticut, Wisconsin and Minnesota in the autumn of 1865, and at the same time in Colorado, when she was forming her constitution preparatory to seeking admission to the Union. In all four, under the control of the Republican party at the time, the proposition was defeated.

With these indisputable evidences of the unpopularity of negro suffrage in the great majority of the Northern States, there was ample excuse for the reluctance of leading statesmen to adopt it as a condition of reconstruction, and force it upon the South by law before it had been adopted by the moral sense of the North. The period, however, was one calculated to bring about very rapid changes in public opinion; and there had undoubtedly been great advance in the popular judgment concerning this question since the elections of the preceding year. The question was really in the position

where it would be materially influenced by the course of events in the South. The violence and murder at New Orleans in July had changed the views of many men; and, while the more considerate and conservative tried to regard that outbreak as an exceptional occurrence, the mass of the Northern people feared that it indicated a dangerous sentiment among a people not yet fitted to be entrusted with the administration of a State Government.

While these views were rapidly taking form throughout the North, they were strongly tempered and restrained by the better hope that the people of the South would be able to restore such a feeling of confidence as would prevent the exaction of other conditions of reconstruction and the consequent postponement of the re-admission of the Southern States to representation. The average Republican sentiment of the North was well expressed by the Republican State Convention of New York, which, after reciting the provisions of the Fourteenth Amendment, and declaring that "That amendment commends itself, by its justice, humanity, and moderation, to every patriotic heart," made this important declaration: "*That when any of the late insurgent States shall adopt that amendment, such State shall, at once, by its loyal representatives, be permitted to resume its place in Congress.*" This view was generally concurred in by the Western States; and, if the Southern States had accepted the broad invitation thus given, there is little doubt that before the close of the year they might have been restored to the enjoyment of every power and privilege under the National Constitution. There would have been opposition to it, but the weight of public influence, and the majority in both branches of Congress, would have been sure to secure this result.

CHAPTER XI.

Second Session Thirty-ninth Congress. — President's Message. — Repeats his Former Recommendations. — Mischievous Effect produced in the South. — The Ten Confederate States vote on the Fourteenth Amendment. — Rejected by Every One. — Defiance to Congress. — Madness of the Southern Leaders. — Determination of the North. — New Plan of Reconstruction. — Bill reported by Mr. Stevens. — South divided into Military Districts. — Bill elaborately debated. — Views of Leading Members. — Extracts from Speeches. — Blaine Amendment. — Debated in the House. — Opposed by Mr. Stevens. — Rejected in the House. — Adopted in Different Form in the Senate. — Finally Incorporated in Reconstruction Bill. — President vetoes the Bill. — Passed over his Veto. — Character of the Measure. — The South forces the Adoption of Negro Suffrage. — Not contemplated originally by the North. — Character of the Struggle. — Executive Patronage. — President's Policy to be sustained by it. — The Power of Removal. — Early Decision of the Government. — Views of Mr. Madison and Mr. Webster. — Of Hamilton and of Washington. — Republican Leaders determined to curtail the Power. — Mr. Williams introduces Tenure of Office Bill. — Speeches of Edmunds, Howe, and Others. — President vetoes the Bill. — Passed over his Veto. — Doubtful Character of the Measure. — Republican Distrust of it. — New States in the North-West. — Mr. Lincoln's Policy shown in the Case of Nevada. — Increase of Free Territories. — Nebraska and Colorado apply for Admission. — President Johnson vetoes the Bill. — Admission of Colorado prevented. — Power of Pardon and Amnesty by Proclamation taken from the President. — Scandals reported.

THE rejoicing over the result of the elections throughout the free States had scarcely died away when the Thirty-ninth Congress met in its second session (December 3, 1866). There was no little curiosity to hear what the President would say in his message, in regard to the issue upon which he had sustained so conclusive a defeat. He was known to be in a state of great indignation, and as he had broken forth during the campaign in expressions altogether unbecoming his place, there was some apprehension that he might be guilty of the same indiscretion in his official communication to Congress. But he was saved from such humiliation by the evident interposition of a judicious adviser. The message was strikingly moderate and even conciliatory in tone. The President re-argued his case with

apparent calmness and impartiality, repeating and enforcing his position with entire disregard of the popular result which had so significantly condemned him. After rehearsing all that had been done in the direction of reconstruction, so far as his power could reach it, and so far as the Thirteenth Amendment of the Constitution was an essential part of it, the President expressed his regret that Congress had failed to do its duty by re-admitting the Southern States to representation.

"It was not," said he, "until the close of the eighth month of the session that an exception was made in favor of Tennessee by the admission of her senators and representatives." "I deem it," he continued, "a subject of profound regret that Congress has thus far failed to admit to seats loyal senators and representatives from the other States, whose inhabitants with those of Tennessee had engaged in the Rebellion. Ten States, more than one-fourth of the whole number, remain without representation. The seats of fifty members in the House and twenty members in the Senate are yet vacant, not by their own consent, nor by a failure of election, but by the refusal of Congress to accept their credentials. Their admission, it is believed, would have accomplished much towards the renewal and strengthening of our relations as one people, and would have removed serious cause for discontent upon the part of the inhabitants of those States." The President did not discuss the ground of difference between his policy and that of Congress, simply contenting himself with a restatement of the case, in declaratory rather than in argumentative form. He did not at all seem to realize, or even to recognize, the vantage ground which Congress had obtained by the popular decision in the recent elections. He apparently did not understand that every issue dividing the Executive and Legislative Departments of the Government had been decided in favor of the latter by the masters of both — decided by those who select and control Presidents and Congresses.

The President's position in pursuing a policy which had been so pointedly condemned, excited derision and contempt in the North, but it led to mischievous results in the South. The ten Confederate States which stood knocking at the door of Congress for the right of representation, were fully aware, as was well stated by a leading Republican, that the key to unlock the door had been placed in their own hands. They knew that the political canvass in the North had proceeded upon the basis, and upon the practical assurance (given

through the press, and more authoritatively in political platforms), that whenever any other Confederate State should follow the example of Tennessee, it should at once be treated as Tennessee had been treated. Yet, when this position had been confirmed by the elections in all the loyal States, and was, by the special warrant of popular power, made the basis of future admission, these ten States, voting upon the Fourteenth Amendment at different dates through the winter of 1866–67, contemptuously rejected it. In the Virginia Legislature only one vote could be found for the Amendment. In the North-Carolina Legislature only eleven votes out of one hundred and forty-eight were in favor of the Amendment. In the South-Carolina Legislature there was only one vote for the Amendment. In Georgia only two votes out of one hundred and sixty-nine in the Legislature were in the affirmative. Florida unanimously rejected the Amendment. Out of one hundred and six votes in the Alabama Legislature only ten could be found in favor of it. Mississippi and Louisiana both rejected it unanimously. Texas, out of her entire Legislature, gave only five votes for it, and the Arkansas Legislature, which had really taken its action in the preceding October, gave only three votes for the Amendment.

This course on the part of the Southern States was simply a declaration of defiance to Congress. It was as if they had said in so many words, "We are entitled to representation in Congress, and we propose to resume it on our own terms; and therefore we reject your conditions with scorn. We will not consent to your Fourteenth Amendment to the Constitution. We will not consent that the freedom of the negro shall be made secure by endowing him with citizenship. We demand that without giving negroes the right to vote, they shall yet be counted in the basis of representation, thus increasing our political power when we re-enter Congress beyond that which we enjoyed before we rebelled, and beyond that which white men in the North shall ever enjoy. We decline to give any guarantee for the validity of the public debt. We decline to guarantee the sacredness of pensions to soldiers disabled in the War for the Union. We decline to pledge ourselves that the debts incurred in aid of the Rebellion shall not in the future be paid by our States. We decline, in brief, to assent to any of the conditions or provisions of the proposed amendment to the Constitution, and we deny your right to amend it without our consent."

The madness of this course on the part of the Southern leaders

was scarcely less than the madness of original secession; and it is difficult, in deliberately weighing all the pertinent incidents and circumstances, to discover any motive which could, even to their own distorted view, justify the position they had so rashly taken. Strong as the Republican party had shown itself in the elections, it grew still stronger in all the free States, as each of the Confederate States proclaimed its refusal to accept the Fourteenth Amendment as the basis of their return to representation. The response throughout the North, in the mouths of the loyal people, was in effect: "If these rebel States are not willing now to resume representation on the terms offered, let them stay out until their anger ceases and their reason returns. If they are not willing to concede the guaranties of the Fourteenth Amendment, and to give that pledge to the country of their future loyalty and their common sense of justice, they shall find that we can be as resolute as they, and we shall insist on the right as stubbornly as they persist in the wrong." These were not merely the declarations of statesmen, or of the press, or of the popular speakers of the Republican party. They came spontaneously, as if by inspiration, from the mass of the people, and were based on that instinctive sense of justice which the multitude rarely fails to exhibit.

It was naturally inferred and was subsequently proved, that the Southern States would not have dared to take this hostile attitude except with the encouragement and the unqualified support of the President. He was undoubtedly in correspondence, directly and indirectly, with the political powers that were controlling the action of the insurrectionary States, and he was determined that the policy of Congress should not have the triumph that would be implied in a ratification of the Fourteenth Amendment by those States. Telegraphic correspondence clearly establishing the President's position, subsequently came to light. Governor Parsons of Alabama telegraphed him indicating that the rejection of the Fourteenth Amendment might be reconsidered by the Alabama Legislature, if in consequence thereof an enabling Act could be passed by Congress for the admission of the State to representation. Johnson promptly replied on the same day: "What possible good can be obtained by reconsidering the Constitutional Amendment? I know of none in the present posture of affairs, and I do not believe the people of the country will sustain any set of individuals in attempts to change the whole character of our Government by enabling Acts or otherwise.

I believe on the contrary, that they will eventually uphold all those who have patriotism and courage to stand by the Constitution and who place their confidence in the people. There should be no faltering on the part of those who are honest in a determination to sustain the several co-ordinate Departments of the Government in accordance with its original design." It was evident from this disclosure that Johnson's hand was busy throughout the South, secretly as well as openly, and that he inspired the resolute obstinacy with which the insurrectionary States resisted the fair and magnanimous offers of Reconstruction made by Congress. The Rebel element of the South had gradually come to repose implicit confidence in Johnson, and this fact increased his power to sow dissension and produce discord. His stubborn and apparently malicious course at this time, was inspired in large part by a desire to be avenged on the Northern States and Northern leaders for the stinging rebuke administered to him in the recent elections.

Sustained by the same popular sentiment which had given offense to the President, Congress did not doubt its duty or hesitate in its action. Its course, indeed, was firm to the point of severity. It met the spirit of defiance on the part of the South with an answer so decisive, that the misguided people of that section were rapidly undeceived as to their power to command the situation, even with all the aid the President could bring. The principal debates for the first two months of the session related wholly to the condition of the South, and on the 6th of February (1867) Mr. Stevens, from the Committee on Reconstruction, reported a bill which after sundry amendments became the leading measure of the Thirty-ninth Congress. In its original form the preamble declared that "whereas the pretended State governments of the late so-called Confederate States afford no adequate protection for life or property, but countenance and encourage lawlessness and crime; and whereas it is necessary that peace and good order should be enforced in said so-called Confederate States, until loyal State governments can be legally established; *therefore* be it enacted that said so-called Confederate States shall be divided into military districts, and made subject to the military authority of the United States, as hereinafter prescribed; and for that purpose Virginia shall constitute the first district, North Carolina and South Carolina the second district, Georgia, Alabama

and Florida the third district, Mississippi and Arkansas the fourth district, and Louisiana and Texas the fifth district."

It was made the duty of the General of the Army to assign to the command of each of said districts an officer not below the rank of Brigadier-general, and to detail a sufficient force to enable such officer to perform his duties and enforce his authority within the district to which he was assigned. The protection of life and property, the suppression of insurrections, disorders, and violence, and the punishment of all criminals and disturbers of the public peace, were entrusted to the military authority, with the power to allow civil tribunals to take jurisdiction and try offenders; and if that was not sufficient in the officer's judgment, he was authorized to organize military commissions, "any thing in the constitutions and laws of these so-called Confederate States to the contrary notwithstanding." It was further declared that all legislative acts or judicial processes to prevent the proceedings of such tribunals, and all interference by "said pretended State governments with the exercise of military authority under this Act, shall be void and have no effect." The courts and judicial officers of the United States were forbidden to issue writs of *habeas corpus*, except under certain restrictions which further established the military authority over the people. Prompt trials were guarantied to all persons arrested, cruel and unusual punishments were forbidden, and no sentence could be executed until it was approved by the officer in command of the district.

Mr. Stevens, in his speech upon introducing the bill, did not attempt to conceal its positive and peremptory character. "It provides," said he, "that the ten disorganized States shall be divided into five military districts; that the Commander of the Army shall take charge of them, through his officers not below the rank of Brigadier-general, who shall have the general supervision of the peace, quiet and protection of the people, loyal and disloyal, who reside within those precincts; and that to do so, he may use, as the law of nations would authorize him to do, the legal tribunals whenever he may deem them competent; but these tribunals are to be considered of no validity *per se*, of no intrinsic force, of no force in consequence of their origin; the question being wholly within the power of the conqueror, and to remain until that conqueror shall permanently supply their place with something else. This is the whole bill. It does not need much examination. One night's rest after its reading is enough to digest it."

Mr. Brandegee of Connecticut followed Mr. Stevens in a speech strongly supporting the measure. "Mr. Speaker, something must be done," said he. "The American people demand that we shall do something, and quickly. Already fifteen hundred Union men have been massacred in cold blood (more than the entire population of some of the towns in my district), whose only crime has been loyalty to your flag. . . . In all the revolted States, upon the testimony of your ablest generals, there is no safety to the property or lives of loyal men. Is this what the loyal North has been fighting for? Thousands of loyal white men, driven like partridges over the mountains, homeless, houseless, penniless, to-day throng this capital. They fill the hotels, they crowd the avenues, they gather in these marble corridors, they look down from these galleries, and with supplicating eye ask protection from the flag that hangs above the Speaker's chair — a flag which thus far has unfurled its stripes, but concealed the promise of its stars."

— Mr. Le Blond of Ohio declared that "the provisions of this bill strike down every important provision in the Constitution. You have already inaugurated enough here to destroy any government that was ever founded. . . . Now, Mr. Speaker, I do not predict any thing. I do not desire war, but as one American citizen I do prefer war to cowardly submission to a total destruction of the fundamental principles of our Government."

— He was followed by his colleague, Mr. Finck, who declared that "no member on this floor who understands the Constitution of the United States, and who is a friend of our Government, will pretend to urge that we have any Constitutional power to pass this bill. . . . I declare it as my solemn conviction that no government can long continue to be free when one-third of its people and one-third of its States are controlled by military power."

— Mr. Bingham of Ohio, speaking for a more conservative type of republicanism than Mr. Stevens represented, begged gentlemen to "make haste slowly in the exercise of this highest possible power conferred by the Constitution upon the Congress of the United States. For myself, sir, I am not going to yield to the proposition of the chairman of the committee, for a single moment, that one rood of the territory within the line of the ten States enumerated in this bill is conquered territory. The Government of the United States does not conquer any territory that is under the jurisdiction of the Constitution."

— Mr. William Lawrence of Ohio said, "For myself I am ready to set aside by law all these illegal governments. They have rejected all fair terms of reconstruction. They have rejected the Constitutional amendments we have tendered them. They are engines of oppression against all loyal men. They are not republican in form or purpose. Let them not only be ignored as legal governments, but set aside because they are illegal." Mr. Lawrence suggested some amendments that would give to all the people the protection of the judiciary under National authority.

— Mr. Russell Thayer of Pennsylvania argued warmly for the bill. and said, "This measure will be of brief duration, and will be followed, as I am informed, by other measures, which will secure the permanent and peaceful restoration of these States to their proper and just position in the Union, upon their acceptance of such terms as are necessary for the future security of the country. When that is done, and when order is restored, and permanent protection is guarantied to all the citizens of that section of the country, this measure will be abrogated and abandoned."

— Mr. Shellabarger argued in favor of the bill, and said in conclusion, "This measure, taken alone, is one which I could not support unaccompanied by provisions for the rapid and immediate establishment of civil government based upon the suffrages of the loyal people of the South. I could not support a military measure like this if it was to be regarded as at all permanent in its character. It is because it is entirely the initiative, because it is only the employment of the Army of the United States as a mere police force, to preserve order until we can establish civil government based upon the loyal suffrages of the people, that I can support this measure at all. If it stood by itself, I could not, with my notions of the possibility and practicability of establishing civil governments in the South, based upon loyal suffrage, vote for this bill."

— Mr. Dawes made the pertinent inquiry whether, "after the General of the Army has, under this bill, assigned a competent and trustworthy officer to the duties prescribed, there is any thing to hinder the President of the United States, under virtue of his power as Commander-in-Chief, from removing that officer and putting in his place another of an opposite character, thus making the very instrumentality we provide one of terrible evil?"

— Mr. John A. Griswold, who became the Republican candidate for governor of New York the ensuing year, earnestly opposed the bill.

"By it," said he, "we are proceeding in the wrong direction. For more than two years we have been endeavoring to provide civil governments for that portion of our country, and yet by the provisions of this bill we turn our backs on our policy of the last two years, and by a single stride proceed to put all that portion of the country under exclusively military control. . . . For one, I prefer to stand by the overtures we have made to these people, as conditions of their again participating in the government of the country. We have already placed before them conditions which the civilized world has indorsed as liberal, magnanimous, and just. I regret exceedingly that those very liberal terms have not been accepted by the South, but I prefer giving those people every opportunity to exhibit a spirit of obedience and loyalty."

— Mr. Henry J. Raymond opposed the bill in a vigorous speech. "Because we cannot devise any thing of a civil nature adequate to the emergency," said he, "it is urged that we must fly to the most violent measure the ingenuity of man could devise. Let me remind gentlemen that this has been the history of popular governments everywhere, the reason of their downfall, their decadence, and their death."

— Mr. Garfield indicated his support of the measure if it could be amended. "But," said he, "I call attention to the fact that from the collapse of the Rebellion to the present hour, Congress has undertaken to restore the States lately in rebellion by co-operation with their people, and that our efforts in that direction have proven a complete and disastrous failure." Alluding to the fact that the Fourteenth Amendment had been submitted as the basis of reconstruction, Mr. Garfield continued, "The constitutional amendment did not come up to the full height of the great occasion. It did not meet all I desired in the way of guaranties to liberty, but if the rebel States had adopted it as Tennessee did, I should have felt bound to let them in on the same terms prescribed for Tennessee. I have been in favor of waiting to give them full time to deliberate and to act. They have deliberated. They have acted. The last one of the sinful ten has at last, with contempt and scorn, flung back in our teeth the magnanimous offer of a generous nation. It is now our turn to act. They would not co-operate with us in building what they destroyed. We must remove the rubbish, and build from the bottom. . . . But there are some words which I want stricken out of this bill, and some limitations which I wish added, and I shall at least ask that they be considered."

— Mr. Kasson objected that the bill was too sweeping in its provisions, that it affected the loyally disposed in the South with the same severity as it did the disloyally disposed. "Instead of erecting," said he, "this great military power over people of some portions of the South who are, in fact, at peace and observing law and order, our rule should be so flexible that we may apply martial law wherever peace and law and order do not prevail, without imposing it upon people whose subordination to the law renders military rule unnecessary."

— Mr. Boutwell said, "To-day there are eight millions and more of people, occupying six hundred and thirty thousand square miles of territory in this country, who are writhing under cruelties nameless in their character, and injustice such as has not been permitted to exist in any other country of modern times; and all this because in this capital there sits enthroned a man who, so far as the Executive Department of the Government is concerned, guides the destinies of the Republic in the interest of the rebels; and because, also, in those ten former States, rebellion itself, inspired by the Executive Department of this Government, wields all authority, and is the embodiment of law and power everywhere. . . . It is the vainest delusion, the wildest of hopes, the most dangerous of aspirations, to contemplate the reconstruction of civil government until the rebel despotisms enthroned in power in these ten States shall be broken up."

— Mr. Banks asked for deliberation and delay in the discussion. He believed that "we might reach a solution in which the two Houses of Congress will agree, which the people of this country will sustain, and in which the President of the United States will give us his support. And if we should agree on a measure satisfactory to ourselves, in which we should be sustained by the people, and the President should resist it, then we should be justified in dropping the subject of reconstruction, and considering the condition of the country in a different sense." The allusion of General Banks, though thus veiled, was understood to imply the possible necessity of impeaching the President. It attracted attention because General Banks had been reckoned among the determined opponents of that extreme measure.

— Mr. Kelley of Pennsylvania declared that "the passage of this bill or its equivalent is required by the manhood of this Congress, to save it from the hissing scorn and reproach of every Southern man who has been compelled to seek a home in the by-ways of the North, from every homeless widow and orphan of a Union soldier in the

South, who should have been protected by the Government, and who, despite widowhood and orphanage, would have exulted in the power of our country had it not been for the treachery of Andrew Johnson."

— Mr. Allison of Iowa said, "Believing as I do, that this measure is essential to the preservation of the Union men of the South, believing that their lives, property and liberty cannot be secured except through military law, I am for this bill."

— Mr. Blaine of Maine expressed his unwillingness to support any measure that would place the South under military government, if it did not at the same time prescribe the methods by which the people of a State could by their own action re-establish civil government. He therefore asked Mr. Stevens to admit an amendment declaring that "when any one of the late, so-called, Confederate States shall have given its assent to the Fourteenth Amendment of the Constitution, and conformed its constitution and laws thereto in all respects, and when it shall have provided, by its constitution, that the elective franchise shall be enjoyed equally and impartially by all male citizens of the United States twenty-one years of age and upwards, without regard to race, color, or previous condition of servitude, except such as may be disfranchised for participating in the late rebellion, and when such constitution shall have been submitted to the voters of said State as then defined, for ratification or rejection, and when the constitution, if ratified by the popular vote, shall have been submitted to Congress for examination and approval, said State shall, if its constitution be approved by Congress, be declared entitled to representation in Congress, and senators and representatives shall be admitted therefrom on their taking the oath prescribed by law, and then and thereafter the preceding sections of this bill shall be inoperative in said State."

— Mr. Blaine added, "It happened, Mr. Speaker, possibly by mere accident, that I was the first member of this House who spoke in Committee of the Whole on the President's message at the opening of this session. I then said that I believed the true interpretation of the election of 1866 was that, in addition to the proposed constitutional amendment, impartial suffrage should be the basis of reconstruction. Why not declare it so? Why not, when you send out this military police through the lately rebellious States, send with it that impressive declaration?"

— Mr. Schenck of Ohio earnestly urged that before calling the previous question, Mr. Stevens would allow a vote upon the amendment

offered by Mr. Blaine. Mr. Stevens declined, and a motion by Mr. Blaine to refer the bill to the Judiciary Committee with instructions to report back the amendment, was defeated by *ayes* 69, *noes* 94. The bill was then passed by a vote of 109 to 55. The Republicans who voted against it were Baker of Illinois, Banks of Massachusetts, Davis of New York, Defrees of Indiana, Dodge of Iowa, Kuykendall of Illinois, Loan of Missouri, Randall of Kentucky, Francis Thomas and John L. Thomas, jun., of Maryland.

The bill reached the Senate on the 13th of February. On the 14th Mr. Williams of Oregon gave notice that he would offer an amendment, which was almost literally the same as that offered by Mr. Blaine in the House, but fearing that it might obstruct the passage of the bill he withdrew it. Mr. Reverdy Johnson of Maryland renewed it, with the remark that if it should be adopted it would make the bill very much less objectionable than it then was, and upon the amendment debate proceeded.

Mr. Stewart of Nevada warmly sustained the amendment, regretting that the senator from Oregon had changed his mind with regard to it. Mr. Stewart said that the history of military bills was that they were always temporary in the beginning. "But suppose the President of the United States approved it, or the next President, if you please, should like the bill, and should veto your measure repealing it, or suppose a bare majority in either House of Congress should like it, then you could not repeal it. It may be years after you desire to get rid of it before you can. I say, when you use the military for temporary purposes you should give the people of the South a chance to comply with all the requirements which you propose to make. If in the Blaine Amendment, as it is called, there are not sufficient guaranties, not enough conditions, then put in more and make it sufficient."

— Mr. Henderson of Missouri said, "If I understand the extent and scope of this bill, it will simply be to give the sanction of Congress to military administration in the Southern States by the President. If there is any thing else in it, I desire to have it understood now, before we proceed any farther. I am not exceedingly favorable to military government anywhere, and if I can get along without it in the Southern States I am anxious to do so. I am not pleased with it anywhere." Mr. Henderson expressed the opinion that the President of the United States could command General Grant in making the assignments of officers to the respective districts.

— Mr. Willard Saulsbury of Delaware declared that "there is not a single provision in the bill that is constitutional or will stand the test in any court of justice."

— Mr. Buckalew and Mr. Hendricks pointed out that the amendment, as Mr. Johnson had submitted it, made suffrage universal, just as the amendment had been framed in the House.

— Mr. Johnson explained that he had taken it as prepared by the senator from Oregon.

— Mr. Howard of Michigan objected to the amendment because it would permit the increase of representatives in Congress, and of Presidential electors, from the Confederate States.

— After prolonged debate on the amendment offered by the senator from Maryland, it was agreed to lay it aside by common consent, that Senator Sherman might offer a substitute for the entire bill, the fifth section of which substantially embodied the amendment offered by the senator from Maryland and which had been known as the Blaine Amendment in the House. Mr. Sherman's substitute gave to the President his rightful power to control the assignment of officers of the army to the command of the military districts in the South. After debate the substitute of Mr. Sherman was passed by a party vote, — twenty-nine to ten.

When the bill went to the House it was violently opposed by Mr. Stevens and Mr. Boutwell. Mr. Boutwell said, "My objection to the proposed substitute of the Senate is fundamental and conclusive, because the measure proposes to reconstruct the State governments at once through the agency of disloyal men."

— Mr. Stevens said, "When this House sent the bill to the Senate it was simply to protect the loyal men of the Southern States. The Senate has sent us back an amendment which contains every thing else but protection. It has sent us back a bill which raises the whole question in dispute as to the best mode of reconstructing these States, by making distant and future pledges which this Congress has no authority to make and no power to execute."

— Mr. Blaine argued against Mr. Stevens's proposition to send the measure to a Conference Committee, and he begged those "who look to any measure that shall guarantee a republican form of government to the rebel States, with universal suffrage for loyal men," to vote for this bill as it came from the Senate.

— Mr. Wilson of Iowa sustained the bill. "Although it does not attain," said he, "all that I desire to accomplish, it embraces much

upon which I have insisted, and seems to be all that I can get at this session. It reaches far beyond any thing which the most sanguine of us hoped for a year ago."

— Mr. Bingham declared that "the defeat of this bill to-day is really a refusal to enact any law whatever for the protection of any man in that vast portion of our country which was so recently swept over by our armies from the Potomac to the Rio Grande."

— General Schenck spoke with great force in favor of the bill, answering the somewhat reckless objections of Mr. Stevens in the most effective manner.

— General Garfield replied to those who objected to the Senate provision giving the command of officers in the South directly to the President. He said, "I want this Congress to give its command to the President of the United States, and then, perhaps, some impeachment hunters will have a chance to impeach him. They will if he does not obey." He rebuked the gentlemen "who, when any measure comes here that seems almost to grasp our purpose, resist and tell us that it is a surrender of liberty. I remember that this was done to us at the last session, when everybody knew that if the Republican party lived, it must live by the strength of the Constitutional amendment, and when we agreed to pass it the *previous question* was waived to allow certain gentlemen to tell us that it was too low and too unworthy, too mean and too unstatesmanlike."

— Mr. Russell Thayer of Pennsylvania supported the bill. He said, "I see in this provision, as I believe, what the deliberate judgment of the American people will regard as ample guaranties for the future loyalty and obedience of the South. Those conditions are: *first*, that the Southern States shall adopt a constitution in conformity with the Constitution of the United States; *second*, that it shall be ratified by a majority of the people of the State, without distinction of race, color, or condition; *third*, that such constitution shall guarantee universal and impartial suffrage; *fourth*, that such constitution shall be approved by Congress; *fifth*, that the States shall adopt the Fourteenth Amendment to the Constitution; and *sixth*, that the amendment shall become a part of the Constitution of the United States. All this is required to be done before representation is accorded to the States lately in rebellion, and then no representative presenting himself for admission, can be received unless he can take the test oath."

— Mr. Eldridge of Wisconsin denounced the whole measure as most

wicked and abominable. "It contains," said he, "all that is vicious, all that is mischievous in any of the propositions which have come either from the Committee on Reconstruction or from any gentleman upon the other side of the House."

— Mr. Elijah Hise of Kentucky declared that, "under such a system as this bill proposes, the writ of *habeas corpus* cannot exist, because even if the civil tribunals are not entirely abolished, they will exist only at the will of the military tyrant in command."

— Mr. Davis of New York spoke of the danger of suddenly enfranchising the whole body of rebels. "The State of Kentucky," he said, "has enfranchised every rebel who has been in the service of the Confederate States. What to-day is the condition of affairs in that State? Why, sir, her political power is wielded by rebel hands. Rebel generals, wearing the insignia of the rebel service, walk the streets of her cities, admired and courted; while the Union officers, with their wounds yet unhealed, are ostracized in political, commercial and social life."

— Mr. Niblack of Indiana, one of the leading Democrats of the House, thought the bill had been much improved by the action of the Senate. "Though," said he, "it still retains many of the first features to which I objected when it was before the House for discussion, it is not now properly a military bill, nor is it properly a measure of civil administration. It is a most extraordinary attempt to blend the two principles together."

When a vote was reached, the House rejected the Senate amendment — *ayes* 73, *noes* 98. This result was effected by a coalition of all the Democrats with a minority of extreme Republicans. But thirteen days of the session remained, and it looked as if by a disagreement of Republicans all legislation on the subject of Reconstruction would be defeated. Under the pressure of this fear Republican differences were adjusted, and the Senate and the House found common ground to stand upon by adding two amendments to the bill as the Senate had framed it. It was agreed, on motion of Mr. Wilson of Iowa, to add a *proviso* to the fifth section, in these words: "that no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States, shall be eligible as a member of a convention to frame a constitution for any of said rebellious States, nor shall any such person vote for members of such convention." It was also agreed, on motion of Mr. Shellabarger, that "until the people of said rebel States shall be admitted to repre-

sentation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede. . . . All persons shall be entitled to vote, and none others, who are entitled to vote under the fifth section of this act; and no person shall be eligible to any office under such provisional government, who shall be disqualified from holding office under the provisions of the Third Article of such Constitutional amendment." With these modifications both Senate and House passed the bill by a party vote. During the discussion in the Senate Mr. Doolittle moved that "nothing in this act shall be construed to disfranchise any persons in any of said States from voting or holding office who have received pardon and amnesty in accordance with the Constitution and Laws." The proposition received but eight votes. The bill went to the President for approval on the 20th of February, leaving but a small margin of time for passage over his veto if as anticipated he should decline to sign it. The decisive character of the measure had evoked fierce opposition, and this in turn had stimulated Republican advocacy to a degree of great earnestness.

On the 2d of March the President sent to the House, in which branch the bill had originated, a long veto message of very comprehensive character. He had summed up all the arguments that had been made against the measure in both Houses, and had arrayed them with greater strength than when they were originally presented. His argument against placing the States under military government was cogently stated. "This bill," said he, "imposes martial law at once, and its operation will begin as soon as the general and his troops can be put in place. The dread alternative between its harsh rule and compliance with the terms of this measure is not suspended, nor are the people afforded any time for free deliberation. The bill says to them, 'Take martial law first, and then deliberate.' And when they have done all that this measure requires them to do, other conditions and contingencies, over which they have no control, yet remain to be fulfilled before they can be relieved from martial law. Another Congress must approve the constitutions made in conformity with the law of this Congress, and must declare these States entitled to representation in both branches. The whole question thus remains open and unsettled, and must again occupy the attention of Congress; and in the mean time the

agitation which now prevails will continue to disturb all portions of the people."

The President's veto reached the House on the afternoon of Saturday. On Monday, March 4th, at noon, Congress would expire by Constitutional limitation. The President had communicated his veto on the last day permitted by the Constitution, and it was generally believed that his motive for the postponement was to give the minority in one branch or the other the power to defeat the bill either by dilatory motions or by "talking against time." Mr. Le Blond and Mr. Finck of Ohio, and Mr. Boyer of Pennsylvania, frankly indicated their intention to employ all means within their power to compass this end. A system of parliamentary delay was thus foreshadowed, but was prevented by Mr. Blaine moving that the rules be suspended and a vote immediately taken on the question required by the Constitution; namely, "*Will the House, on reconsideration, agree to the passage of the bill, the President's objection to the contrary notwithstanding?*" The Speaker decided that the motion in this form cut off all dilatory proceedings. Mr. Finck appealed from the decision of the Chair, but only four members sustained him. The rules were suspended, and the House, by a vote of one hundred and thirty-five *ayes* to forty-eight *noes*, passed the bill over the veto of the President. The Senate concurred in the action of the House by *ayes* thirty-eight, *noes* ten; and the famous Reconstruction law, from which flowed consequences of great magnitude, was thus finally enacted against every effort of the Executive Department of the Government.[1]

The successive steps of this legislation have been given somewhat in detail because of its transcendent importance and its unprecedented character. It was the most vigorous and determined action ever taken by Congress in time of peace. The effect produced by the measure was far-reaching and radical. It changed the political history of the United States. But it is well to remember that it never could have been accomplished except for the conduct of the Southern leaders. The people of the States affected have always preferred as their chief grievance against the Republican party, that negro suffrage was imposed upon them as a condition of

[1] The original Reconstruction Act and the several supplementary Acts are given in full in Appendix A.

their re-admission to representation; but this recital of the facts in their proper sequence shows that the South deliberately and wittingly brought it upon themselves. The Southern people knew, as well as the members of Congress knew, that the Northern people during the late political canvass were divided in their opinion in regard to the requirements of reconstruction, but that the strong preponderance was in favor of exacting only the adoption of the Fourteenth Amendment as the condition of representation in Congress. It was equally plain to all who cared to investigate, or even to inquire, that if that condition should be defiantly rejected, the more radical requirements would necessarily be exacted as a last resort, — rendered absolutely necessary indeed by the truculence of the Southern States.

The arguments that persuaded the Northern States of the necessity of this step were simple and direct. "We are willing," said they, "that the Southern States shall themselves come gradually to recognize the necessity and the expediency of admitting the negro to suffrage; we are content, for the present, to invest him with all the rights of citizenship, and to except him from the basis of representation, allowing the South to choose whether he shall remain, at the expense of their decrease in representation, outside of the basis of enumeration." It was the belief of the North that as the passions of the civil contest should die out, the Southern States, if not inspired by a sense of abstract justice, would be induced by the highest considerations of self-interest to enfranchise the negro, and thus increase their power in Congress by thirty-five to forty members of the House. It was the belief that when they should come to realize that the negro had brought to them this increased power and prestige in the National councils, they would treat him with justice and with fairness. It was, therefore, not merely with surprise, but with profound regret, and even with mortification, that the North found the South in an utterly impracticable frame of mind. They would do nothing: they would listen to nothing. They had been inspired by the President with the same unreasoning tenacity and stubbornness that distinguished his own official conduct. They believed that, even against the popular verdict in the North, the President would in the end prevail. They had unbounded faith in the power of patronage, and they constantly exhorted the President to turn every opponent of his policy out of office, and give only to his friends the honors and emoluments of the National Government. They had full faith that

this would carry consternation to the Republican ranks, and would establish the President's power on a firm foundation.

Unless, therefore, the Loyal States were willing to allow the Rebel States to come back on their own terms, in a spirit of dictation to the Government of the Union, they were under the imperious necessity of providing some other basis of reconstruction than the one which the South had unitedly rejected. Congress was charged, in the name of loyalty, to see that no harm should come to the Republic, and the point was now reached where three ways were open: *first*, Congress might follow the Administration, and allow the States to come in at once without promise, without condition, without guarantee of any kind; *second*, it might adopt the plan of Mr. Stevens, which had just been narrowly defeated, and place the Southern States under military government, with no date assigned for its termination by National authority, and no condition held out by which the South itself could escape from it; *third*, it might place the Southern States temporarily under a military government, for the sake of preserving law and order and the rights of property, during the prescribed period of reconstruction — upon the basis that all loyal men, regardless of color or previous condition of servitude, should take part in the movement.

Reduced to the choice of these three methods, the considerate, well-pondered, conclusive judgment of the Republican party was in favor of the last named, and the last named was adopted. If, therefore, suffrage was prematurely granted to the negro; if, in consequence, harm came to the Southern States; if hardship was inflicted upon Southern people, the responsibility for it cannot be justly laid upon Northern sentiment or upon the Republican party. It is true, and was not denied, that the vast mass of the negroes thus admitted to suffrage were without property and without education, and that it might have been advantageous, if just treatment could have been assured them, that they should tarry for a season in a preparatory state. While it was maintained as an abstract proposition that the right of the negro to vote was well grounded, many thought it desirable, as Mr. Lincoln suggested, that at first only those who were educated and those who had served in the Union Army should be enfranchised. But the North believed, and believed wisely, that a poor man, an ignorant man, and a black man, who was thoroughly loyal, was a safer and a better voter than a rich man, an educated man, and a white man, who, in his heart, was disloyal to the Union. This sentiment

prevailed, not without hesitation, not without deep and anxious deliberation; but in the end it prevailed with the same courage and with the same determination with which the party had drawn the sword and fought through a long war in aid of the same cause, for which the negro was now admitted to suffrage.

During the civil war the negro had, so far as he was able, helped the Union cause — his race contributing nearly a quarter of a million troops to the National service. If the Government had been influenced by a spirit of inhumanity, it could have made him terribly effective by encouraging insurrection and resistance on his part against his master. But no such policy was ever entertained in counsels controlled in the Cabinet by Seward and Chase and Stanton, or in operations in the field directed by Grant and Sherman and Sheridan. The negro was left to raise the crops that supplied the Confederate armies with bread, when a policy of cruelty, no worse than that of Andersonville and Belle Isle, might have made him a terror to the Southern population. The humane policy thus pursued would have been scorned by European warriors who have become the heroes of the world, but there is not a Northern man who does not look back with profound satisfaction upon the philanthropic determination that forbade the encouragement of a single insurrection, or the destruction of a single Southern life, except under the recognized and restricted laws of war.

Peace had now come, and the question was, whether the power of these four and a half millions of men should be continually used against the Northern States, against the loyalty which had saved the Union. Only three-fifths of their number, in the day when the Southern States were true to the Union, were admitted in the basis of representation. Should the disloyalty of the South which had failed to destroy the Government only by lack of power, be now rewarded by admitting the whole number of negroes into the basis of representation, and at the same time giving them no voice in the selection of representatives? Surely, if this were conceded, it would offer such a premium upon rebellion as no government guided by reason should confer; and, therefore, the question came by the instinct of justice, and with the precision of logic, to this point — the negro shall not be admitted into the basis of representation until he is himself empowered to participate in the choice of the representative. The North had hoped that the South would cordially accept the justice of this principle, but whether the South accepted it

or not, the North resolved that it should become part of the organic law of the Republic.

As matter of historical truth which has been ingeniously and continuously, whether ignorantly or malignantly, perverted, this point cannot be too fully elaborated nor too forcibly emphasized: — *The Northern States or the Republican party which then wielded the aggregate political power of the North, did not force negro suffrage upon the South or exact it as a condition of re-admitting the Southern States to the right and privilege of representation in Congress until after other conditions had been rejected by the South.* The privilege of resuming representation in Congress had in effect been tendered to the Southern States, upon the single condition that they would ratify the Fourteenth Amendment, which provided among other safeguards for the future, that so long as the negro was denied suffrage, he should not be included in the basis of Federal enumeration, — in other words, that the white men of the South should not be allowed to elect thirty-five or forty representatives to Congress, based on the negro population, in addition to the representatives duly apportioned to their own numbers. When all the Southern States — with the exception of Tennessee — declined to accept this basis of reconstruction by their rejection of the Fourteenth Amendment, they ought to have measured the consequences. The imperative question thenceforward was whether the loyal or the disloyal — the victorious Union or the defeated Confederacy — should prescribe the terms of Reconstruction.

The Northern States were thus compelled to consider whether they would unconditionally surrender to the Rebel element of the South or devise some other plan of reconstruction. At that point, in the order of time and in the order of events, and not until then, the just resolve was made by the Republicans to reconstruct the South on the basis of Loyalty, regardless of race or color. By refusing to co-operate with the Republicans in the work of rehabilitating their States, the Southern rebels forced the Northern States to make impartial suffrage the corner-stone of the restored Union. The South had its choice, and it deliberately and after fair warning decided to reject the magnanimous offer of the North and to insist upon an advantage in representation against which a common sense of justice revolted. The North, foiled in its original design of reconstruction by the perverse course of the South, was compelled, under the providence of the Ruler of Nations, to deal honestly and justly with the colored people. It was the insane folly of the South, in drawing

the sword against the life of the Nation, that led irresistibly to the abolition of slavery. In a minor degree the folly was now repeated, in resisting the mode of Reconstruction first tendered, and thus forcing Congress to confer civil rights and suffrage upon the emancipated slave. A higher than human power controlled these great events. The wrath of man was made to praise the righteous works of God. Whatever were the deficiencies of the negro race in education, for the duties and responsibilities of citizenship, they had exhibited the one vital qualification of an instinctive loyalty, and as far as lay in their power a steadfast helpfulness to the cause of the National Union.

As the strife between the Executive and Legislative Departments had grown in intensity, President Johnson naturally sought to increase his own prestige by the use of the patronage of the Government. To this end he had already removed certain conspicuous Republicans from office, especially those who had been recommended and were now sustained by senators and representatives prominently engaged in frustrating his plan of reconstruction. The wonder in the political world was, that the President had not resorted to this form of attack more promptly, and pursued it more determinedly. His delay could be explained only by what was termed his talent for procrastination, and to a certain indecision which was fatal to him as an executive officer. But as the breach between himself and Congress widened, as the bitterness between the partisans of the Executive and of the Legislative Departments grew more intense, the belief became general, that, as soon as Congress should adjourn, there would be a removal of all Federal officers throughout the Union who were not faithful to the principles, and did not respond to the exactions, of the Administration. Outside of his Cabinet, the President was surrounded by the class of men who had great faith in the persuasive power of patronage, and the pressure upon him to resort to its use was constant and growing. Inside of his Cabinet, there were men of the same belief, but their power was somewhat neutralized by the attitude of Mr. Seward, whose faith always lay in the strength of ideas, and not in the use of force, or in the temptation of personal advantage. Mr. Seward's influence had constantly tended to hold the President back from a ruthless removal of the whole body of officers who declined to take part against the policy of Congress.

According to long-accepted construction of the Constitution, the President's power of removal was absolute and unqualified. Appointment to office could not be made unless the consent of the Senate was given in each and every case — but the consent of the Senate had not been held as requisite to the removal of an officer. The Constitution was silent upon the subject, and the existence or non-existence of power in the Senate to prevent a removal from office had been matter of dispute from the foundation of the Government. Those who contended for the right of the President to remove without consulting the Senate were fortified by the early legislation of Congress and the early practice of the Executive. The First Congress of the Union had provided for officers whose appointment depended upon confirmation by the Senate as required by the Constitution, but whose removal was left in explicit terms to the President alone. The decision to that effect was made after debate in which Madison had strenuously contended for that construction, and his high authority gave to the conclusion great weight with subsequent administrations of the Government. But there was undoubtedly a divided opinion in the Congress that conceded it, and that division has continued among Constitutional lawyers and statesmen to this day. In 1835 Mr. Webster, "after considering the question again and again," made this declaration in the Senate: "I am willing to say that, in my deliberate judgment, the original decision was wrong. I cannot but think that those who denied the power in 1789 had the best of the argument. It appears to me, after thorough and repeated and conscientious examination, that an erroneous interpretation was given to the Constitution in this respect by the decision of the First Congress. . . . I have the clearest conviction that the Convention which formed the Constitution looked to no other mode of displacing an officer than by impeachment or the regular appointment of another to the same place. . . . I believe it to be within the just power of Congress to reverse the decision of 1789, and I mean to hold myself at liberty to act hereafter on that question as the safety of the Government and of the Constitution may require."

Mr. Webster's words would have exerted a far wider influence upon public opinion if his argument had not been made under the pressure of a partisan excitement caused by General Jackson's removal of officers who were not in sympathy with the measures of his Administration. He was effectively though not directly answered

by the venerable ex-President Madison. In October, 1834, in a letter to Edward Coles, Mr. Madison said, "The claim of the Senate on Constitutional ground to a share in removal as well as appointment of officers is in direct opposition to the uniform practice of the Government from its commencement. It is clear that the innovation would not only vary essentially the existing balance of power, but expose the Executive occasionally to a total inaction, and at all times to delays fatal to the due execution of the laws." A year later, and only a few months before his death, Mr. Madison in a letter to Charles Francis Adams thus repeated his views: "The claims for the Senate of a share in the removal from office, and *for the Legislature an authority to regulate its tenure*, have had powerful advocates. I must still think, however, that the text of the Constitution is best interpreted by reference to the tripartite theory of Government, to which practice has conformed, and which so long and uniform a practice would seem to have established. The face of the Constitution and the journalized proceedings of the Convention strongly indicate a partiality to that theory then at the zenith of favor among the most distinguished commentators on the organization of political power." Chief Justice Marshall fortified the position of Mr. Madison, by declaring that the action of the First Congress on this question "has ever been considered as a full expression of the sense of the Legislature on this important part of the American Constitution."

Of the thirty-nine members of the Convention of 1787 who signed the Constitution, thirteen, including Mr. Madison, were members of the first Congress; Alexander Hamilton was Secretary of the Treasury under the new Government; and above all, General Washington, who had presided over the deliberations of the Convention, had attentively listened to every discussion, and had carefully studied every provision, was President of the United States. More than one-third of the members of the Constitutional Convention were therefore engaged in the Executive and Legislative Departments of the new Government in applying the organic instrument which they had taken so large a part in creating. The cotemporaneous interpretation was by these facts rendered valuable if not authoritative. Cotemporaneous interpretations of organic law are not always, it is true, to be regarded as conclusive, but they are entitled to the most careful and respectful consideration, and cannot be reversed with safety unless the argument therefor is unanswerable and the motive

which suggests the argument altogether patriotic and unselfish. The familiar rule laid down by Lord Coke is as pertinent to-day as when first announced: "Great regard ought, in construing a law, to be paid to the construction which the sages, who lived about the time or soon after it was made, put upon it, because they were best able to judge of the intention of the makers at the time when the law was made. *Contemporania expositio est fortissima in legem.*"

Against the early decision of the founders of the Government, against the ancient and safe rule of interpretation prescribed by Lord Coke, against the repeatedly expressed judgment of ex-President Madison, against the equally emphatic judgment of Chief Justice Marshall, and above all, against the unbroken practice of the Government for seventy-eight years, the Republican leaders now determined to deprive the President of the power of removing Federal officers. Many were induced to join in the movement under the belief that it was important to test the true meaning of the Constitution in the premises, and that this could be most effectively done by directly restraining by law the power which had been so long conceded to the Executive Department. To that end Mr. Williams of Oregon on the first Monday of December, 1866, introduced a bill "to regulate the tenure of civil offices." It was referred to the Committee on Retrenchment, and reported back with amendment by Mr. Edmunds of Vermont, who thenceforward assumed parliamentary control of the subject.

The bill came up for discussion on the 10th day of January. Its first section provided that every person *except members of the Cabinet*, "holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to such office, shall be entitled to hold such office until a successor shall have been, in like manner, appointed and duly qualified, except as herein otherwise provided." The second section declared that "when any officer shall, during the recess of the Senate, be shown by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become legally disqualified or incapable of performing the duties of his office; in such case, and in no other, the President may suspend such officer and designate some suitable person to perform temporarily the duties of such office, until the next meeting of the Senate, and until the case shall be acted upon by the Senate: and in such case it shall be the duty of the President, with-

in twenty days after the first day of such meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for the same, and if the Senate shall concur in such suspension, and advise and consent to the removal of such officer, they shall so certify to the President, who shall thereupon remove such officer, and by and with the advice and consent of the Senate appoint another person to such office; but if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease."

Mr. Howe wished to know why members of the Cabinet should be excepted. "Each one of those offices," he said, "is created by statute, and created not for the personal benefit of the Executive, but created for the benefit of the public service, just as much as a deputy postmaster or an Indian agent." Mr. Edmunds, in reply to Mr. Howe, said that the Committee, "after a great deal of consultation and reflection," had resolved to except members of the Cabinet from the scope of the proposed Act. He gave reasons therefor, which from the foundation of the Government have been considered conclusive — reasons founded on the personal and confidential relations necessarily existing between the President and his Constitutional advisers. The reasons did not satisfy Mr. Howe. He thought "the tenure of Cabinet officers should be under the control of law and independent of any undue exercise of Executive influence." He therefore moved to amend the bill so as to put the members of the Cabinet on the same basis as other civil officers — *not removable by the President, except with the advice and consent of the Senate.* But the Senate was decidedly averse to so radical a change in the practice of the Government, and Mr. Howe secured the votes of only eight senators to join him in support of his amendment.

Mr. Edmunds moved, subsequently, to amend the bill by the addition of several clauses, one declaring it a high misdemeanor for "any person, contrary to the provisions of this Act, to accept any appointment or employment in office, or to hold or attempt to hold, or exercise, any office or employment." The signing, sealing, countersealing, or issuing of any commission, or letter of authority, contrary to the provisions of the Act, was made punishable by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or by both. Various other provisions of great severity were incorporated, and were adopted after brief debate.

When the bill reached the House, every provision of it was readily agreed to except that which excluded Cabinet officers from its operation. An amendment offered by Mr. Williams of Pennsylvania to strike that out was defeated — *ayes* 76, *noes* 78. Later in the day, just as the bill was passing to its engrossment, Mr. Farquhar of Indiana, having voted with the majority, moved to reconsider the vote by which the amendment was rejected. The vote was taken the ensuing day, and by the zealous work of the intervening night, the motion to reconsider prevailed — *ayes* 75, *noes* 69 — and the amendment was at once adopted. The bill was then passed by a party vote — *ayes* 111, *noes* 38. When it was returned to the Senate, that body refused, by a decisive vote, to concur in the amendment which placed members of the Cabinet on the same basis with other officers respecting the President's power of removal. Upon a conference between the two branches on the disagreement, a substitute was adopted, declaring that the members of the Cabinet "shall hold their offices, respectively, for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate." Both Houses agreed to the bill in this form. Mr. Farquhar's change of mind and his motion to reconsider led to the incorporation in the bill of the provision whose alleged violation by President Johnson was the direct cause of his impeachment by the House of Representatives a year later.

The final action on the measure by the Senate was on the 20th of February, so that the President had the opportunity to endanger its passage by postponing the veto, and it was generally anticipated that he would do so. He communicated it, as in the case of the Reconstruction Bill, on the 2d of March. In reviewing the measure Mr. Johnson said: "In effect it provides that the President shall not remove from their places any of the civil officers whose terms of service are not limited by law, without the advice and consent of the Senate of the United States. The bill conflicts, in my judgment, with the Constitution of the United States. The question, as Congress is well aware, is by no means a new one. That the power of removal is constitutionally vested in the President of the United States, is a principle which has been not more distinctly declared by judicial authority and judicial commentators, than it has been uniformly practiced upon by the Legislative and Executive Departments of the Government. . . . The question has often been raised in

subsequent times of high excitement, and the practice of the Government has nevertheless conformed in all cases to the decision thus made. Having at an early period accepted the Constitution, in regard to the Executive office, in the sense in which it was interpreted with the concurrence of its founders, I have found no sufficient grounds in the arguments now opposed to that construction, or in any assumed necessity of the times, for changing those opinions. . . . For these reasons, I return the bill to the Senate, in which House it originated, for the further consideration of Congress which the Constitution prescribes. Experience, I think, has shown that it is the easiest, as it is also the most attractive, of studies to frame constitutions for the self-government of free states and nations; but I think experience has equally shown that it is the most difficult of all political labors to preserve and maintain such free constitutions of self-government when once happily established."

The veto message was a very able document. In all official papers of importance the President appeared at his best. He had the inestimable advantage of Mr. Seward's calm temper and of his attractive and forcible statement of the proper argument. Few among the public men of the United States have rivaled Mr. Seward in the dignity, felicity, and vigor which he imparted to an official paper. No one ever surpassed him. In the veto message under consideration his hand was evident in every paragraph; and if it had been President Johnson's good fortune to go down to posterity on this single issue with Congress, he might confidently have anticipated the verdict of history in his favor. The delicate, almost humorous sarcasm in the closing words above quoted from the message, afford a good specimen of Mr. Seward's facility of stating the gravest of organic propositions in a form attractive to the general reader. He wrote as one who felt that in this particular issue with Congress, whatever might be the adverse votes of the Senate and House, time would be sure to vindicate the position of the President. But the message did not arrest the action, indeed scarcely the attention, of Congress, and the bill was promptly, even hurriedly, passed over the veto, — in the Senate by 35 *ayes* to 11 *noes*: in the House by 133 *ayes* to 37 *noes*.

The bill was not passed, however, without considerable misgiving on the part of many members of both Houses who voted for it. It was an extreme proposition, — a new departure from the long-established usage of the Federal Government, and for that reason,

if for no other, personally degrading to the incumbent of the Presidential office. It could only have grown out of abnormal excitement created by the dissensions between the two great Departments of the Government. The bitterness engendered resembled that which always distinguishes a family quarrel. The measure was resorted to as one of self-defense against the alleged aggressions and the unrestrained power of the Executive Department. But the history of its operation, and of its subsequent modification, which practically amounted to its repeal, is one to which the Republican party cannot recur with any sense of pride or satisfaction. As matter of fact, a Republican Congress, largely composed of the same members who had enacted the law, indirectly confessed two years later that it could not be maintained. Regarded only in the light of expediency at the time, it could readily be demonstrated (as was afterwards admitted by candid men among those who supported it) to be a blunder, — a blunder all the more censurable because the Act was not needed to uphold the Reconstruction policy of Congress, in aid of which it was devised. That policy relied for its vindication upon the judgment and conscience of the loyal people, and it was an impeachment of their good faith to say that either could be affected by the removal of one man, or of many men, from official position under the Federal Government. The Reconstruction policy stood upon a strong and enduring principle, — as strong and enduring as the question of human right, — and was sustained with vigor and enthusiasm by the great party which was responsible for the war measures that had saved the Union. The same sentiment did not attach to the Tenure-of-office Law, which indeed was only the cause of subsequent humiliation to all who had taken part in its enactment.[1]

It was part of the fixed policy of Mr. Lincoln's administration to increase the number of distinctively free States from that section of the public domain which had never been in any way contaminated by the institution of slavery. To this end he was anxious to encourage the settlement of the Territories already organized west of the Missouri River. To provide for the still more rapid creation of North-western States, two additional Territories, Idaho and Montana,

[1] The full text of the Act to regulate the tenure of certain civil offices, is given in Appendix B.

were organized from the area which had been included in Dakota. Mr. Lincoln's evident motive was to place beyond the calculation, or even the hope, of the disloyal States the possibility of ever again having sufficient political power to compete in the Senate for the mastery of the Republic. He was persuaded that the sectional contest would be fatally pursued so long as the chimerical idea of equality in the Senate should stimulate Southern ambition. He knew, moreover, that the war could not close with victory for the Union without the proposal of certain changes in the Constitution, and to this end it was desirable that the loyal States should as early and as nearly as possible constitute three-fourths of the entire Union. With this motive, he had towards the close of his first term, somewhat prematurely it was believed by many, stimulated the desire of the settlers of Nevada for a State government. He had faith not only in the justice, but in the popularity, of this policy; for he took pains to issue the proclamation declaring Nevada a State in the Union only a week preceding the Presidential election of 1864, when the existence of his administration was at stake, and when every public measure was scanned with special scrutiny.

Nebraska had been organized as a Territory in the original Douglas bill repealing the Missouri Compromise, in 1854; and Colorado was made a Territory the week preceding Mr. Lincoln's first inauguration. After Nevada, these Territories offered the earliest promise of becoming States. They were both parts of the old Louisiana purchase from France, and had in popular estimation and in the classification of the earlier geographers been included within the borders of the Great American Desert. But settlers had swarmed upon the plains of Nebraska, and the waving fields of grain and the innumerable herds of cattle browsing on her rich pasture-land soon dispelled that misconception, and gave promise of the prosperous development which the State has since attained. Earlier than the farmer or the grazier could reach its soil, Colorado was settled by an intelligent mining population, whose industry has extracted from her mountains more than two hundred millions of the precious metals, contributed in the last quarter of a century to the wealth of the world. Encouraged by the policy of the Administration, and especially by the precedent of Nevada, both Territories sought an enabling Act from Congress in the winter of 1862–63. Neither succeeded at the time; but in the next Congress a bill "to enable the people of Colorado to form a constitution and State government, and for the admission of

said State into the Union on an equal footing with the original States," passed both Houses, and was approved by Mr. Lincoln on the 21st of March, 1864. A month later (April 19, 1864) a similar bill for Nebraska was signed by the President.

It appeared that the citizens of each Territory who had been forward in asking an enabling Act from Congress were somewhat in advance of popular sentiment, for when the question of forming a State government was submitted to direct vote in Colorado it was rejected, and the same action was taken in Nebraska. But soon afterward (in the year 1865) the movement for a State government gained strength in both Territories. Through duly organized conventions, and the formation and adoption of State constitutions, the people indicated a willingness, if not an active desire, to be admitted to the Union. In Colorado 5,895 votes were cast when the constitution was submitted, and the majority in favor of the new State was but 155. William Gilpin was elected governor, and John Evans and Jerome B. Chaffee were chosen senators of the United States. But when the new senators reached Washington (early in the year 1866) they found that the policy of the National Administration on the subject of new States had changed, and that instead of a friend in the White House, as Mr. Lincoln had steadily proved, they had a determined opponent in the person of Mr. Johnson. Congress with reasonable promptness passed the bill in both Houses for the admission of Colorado, though it was opposed by the more radical class of Republicans because negroes were excluded from the right of suffrage. It is a striking illustration of the rapid change of public sentiment, that in the winter and early spring of 1866 a bill containing that provision could pass a Congress in which the Republicans had more than two-thirds of the membership of each branch, whereas in less than a year negro suffrage was required as the condition of re-admission of the Southern States.

The Colorado bill passed the Senate by a vote of nineteen to thirteen, and the House by eighty-one to fifty-seven. It reached the President on the fifth day of May and was promptly vetoed. Mr. Johnson did not believe that the establishment of a State government was necessary to the welfare of the people of Colorado; "nor was it satisfactorily established that a majority of the citizens of Colorado desire, or are prepared for, an exchange of the Territorial for a State government." He thought that Colorado, instead of increasing, had declined in population. "At an election for a Territorial Legislature

in 1861, 10,580 votes were cast; at an election in 1864 only 6,192 votes were cast; while at the election of 1865 only 5,905 votes have been cast." He said, "I regret this apparent decline of population in Colorado, but it is manifest that it is due to emigration which is going out from that Territory into other regions of the United States, which either are in fact, or are believed to be by the citizens of Colorado, richer in mineral wealth and agricultural resources." The President commented upon the injustice of creating from so small a population a State with senatorial strength equal to that of the largest State in the Union. He thought Colorado did not have a population of more than thirty thousand persons, "whereas one hundred and twenty-seven thousand are required in other States for a single representative in Congress." The President did not neglect his one constant theme — the unrepresented condition of the Southern States. He insisted that "so long as eleven of the old States remain unrepresented in Congress, no new State should be prematurely and unnecessarily admitted to a participation in the political power which the Federal Government wields." The strong minority which had opposed the Colorado bill gave no hope of overriding the President's veto, which was simply laid on the table and ordered to be printed.

The bill for the admission of Nebraska came later in the session, not being introduced for consideration until the 23d of July. It passed very promptly by a vote of twenty-four to eighteen in the Senate, and by sixty-two to fifty-two in the House. As in the case of Colorado the constitution excluded the negro from the right of suffrage, and for that reason a very considerable proportion of the Republicans of each branch voted against the bill. The vote was so close in the House that but for a frank and persuasive statement made by Mr. Rice of Maine, from the Committee on Territories, it would have been defeated. He pictured the many evils that would come to the people of Nebraska, now more than sixty thousand in number, if they could not do for themselves, as a State, many things which the National Government would not do for them as a Territory. Under the influence of his speech a majority of ten was found for the bill, but Congress adjourned the day after it was finally passed by both branches, and the President quietly "pocketed" the bill; and thus the earnest and prolonged effort to create two new States came to naught for the time.

Nothing daunted by the President's veto of the bill admitting

Colorado, and his pocketing the bill admitting Nebraska, Mr. Wade promptly introduced both bills anew, at the beginning of the second session of the Thirty-ninth Congress. The case of Nebraska was, in popular judgment, stronger than the case of Colorado. The population was larger, and being devoted to agriculture, was naturally regarded as more stable than that of Colorado, which was based principally upon the somewhat fortuitous discovery of mines of the precious metals. But there was an admitted political embarrassment in regard to both Territories, the principal debate on which occurred when the bill admitting Nebraska was under consideration. Congress was, at the time, engaged in passing the Reconstruction Act for the States lately in rebellion, and had made it imperative that negroes should be endowed with suffrage by those States. While insisting on this condition for the Southern States it was obviously impossible for Congress to admit two Northern States with constitutions prohibiting suffrage to the negro. In the months of the Congressional vacation public opinion in the North had made great strides on this question.

A minority of Republicans were intent on sending the bill back and having the question of negro suffrage submitted for popular decision, but in the opinion of the majority of the party this was a needless postponement of a pressing question, and all propositions looking to such postponement were rejected. A final compromise of views was reached, by inserting in the Act of admission an additional section declaring "that this Act shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise or of any other right to any person, by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the Legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition and shall transmit to the President of the United States an authentic copy of said Act." When notified of this solemn public act by the Legislature, it was made the duty of the President to announce the fact by proclamation, and thereupon the admission of the State to the Union, without further proceedings of Congress, was to be considered complete. The objection to this compromise by those who opposed it and by others who reluctantly supported it, was that it did not have the force of Organic Law; that the proposed act of the Legislature would not be rendered any more binding by reason of being called a

solemn act, and that it might be repealed by any subsequent Legislature. Much argument was expended upon this point, but the general judgment was that an act of the Legislature, made in pursuance of such an understanding with Congress, was in the nature of a compact which, without discussing the question of power, would certainly be regarded as binding upon the State. With this understanding, Congress passed a bill admitting the State, but the vote in both branches was divided on the line of party.

This action was accomplished late in January (1867), and on the 29th of that month the President vetoed the bill. He objected especially to the clause just referred to, because it was an addition to the enabling Act which Congress had no moral right to make, and because it required of Nebraska a condition not theretofore required of States, — contradicting flatly the declaration of the first section of the bill, in which the State was declared to be "admitted into the Union upon an equal footing with the original States in all respects whatever." He argued that the imposition of the condition prescribed in the bill, and its acceptance by the Legislature, was practically a change in the organic law of the State without consulting the people, which he regarded as an innovation upon the safe practice of the Government. But his arguments fell upon unwilling ears, and the bill was passed over the veto by a vote of thirty to nine in the Senate, and in the House by one hundred and twenty to forty-three.

Colorado did not fare so well. The bill was passed by both branches of Congress, though not with so full a vote nor with so much confidence in the propriety and necessity of the measure. Precisely the same condition in regard to suffrage was inserted as in the case of the Nebraska bill. It met with a prompt veto, more elaborately argued and presented with more confidence by the President than in the case of Nebraska. He said, "I cannot perceive any reason for the admissson of Colorado that would not apply with equal force to nearly every other Territory now organized, and I submit whether, if this bill becomes a law, it will be possible to resist the logical conclusion that such Territories as Dakota, Montana, and Idaho must be received as States whenever they present themselves, without regard to the number of inhabitants they may respectively contain." He dwelt forcibly upon the necessity of requiring population enough to secure one representative. "The plain facts of our history," said he, "will attest that the leading States admitted since

1845, namely, Iowa, Wisconsin, California, Minnesota, and Kansas (including Texas, which was admitted that year), have all come in with an ample population for one representative, and some of them with nearly, if not quite, enough for two."

There were really no facts before Congress tending to prove the existence of those great resources which have since advanced Colorado so rapidly in population and prosperity. Little was known of the Territory. It was several hundred miles beyond the Western border of continuous settlement, and the men who came from it were regarded as adventurous pioneers on the very outposts of civilization. Under this condition of affairs it was not strange that the Senate failed to pass the bill for the admission of the State over the veto of the President. Edmunds, Fessenden, Foster, Grimes, Harris, Morgan, and some other Republicans, less prominent, voted in the negative. The result was twenty-nine in favor of passing it over the veto, and nineteen against. Defeated in the Senate the bill did not go to the House, and the admission of Colorado was by this action postponed for several years.

The President gave specious reasons for his vetoes, especially in the case of Colorado, but they did not conceal the fact that his position was radically different from that which Mr. Lincoln had held, — radically different from the position which he would himself have assumed if he had maintained in good faith the principles he professed when he secured the suffrages of the Republican party for the Vice-Presidency. Having allied himself with the South and compromised his patriotic record by espousing the cause he had so hotly opposed, he naturally adopted all its principles and its worst prejudices. For nearly half a century the leading exponents of Southern sentiment had been envious of the growth of the free North-West, and so far as lay in their power they had obstructed it—being unwilling for a long period to admit one of its giant Territories to the Union until its power could be politically offset by one of far less population and wealth in the South. Mr. Johnson in his new associations at once adopted this jealous and ungenerous policy — which had indeed lost something of its significance by the abolition of slavery, but was still stimulated by partisan considerations and was invariably hostile to the admission of a Republican State. The most bitter prejudices could not blind Mr. Johnson or the Southern leaders to the inevitable growth of free commonwealths in the North-West, but it seemed to be an object with both to keep them from

participation in the government of the Union as long as possible, and to accomplish this end by every expedient that could be adopted.

An Act in relation to the President's power to grant pardon and amnesty, passed at this session, was more important in its spirit than in its results. By the thirteenth section of the Confiscation Act of July 17, 1862, the President was authorized, at any time, by proclamation, "to extend to persons who may have participated in the existing rebellion in any State or part thereof, pardon and amnesty." Under a suspension of the rules, the House of Representatives, by a vote of one hundred and twelve to twenty-nine, repealed this section on the first day of the session (December 3, 1866). There was anxiety on the part of many, under the lead of Mr. Chandler of Michigan, to repeal it as promptly in the Senate, but it was referred to the Judiciary Committee and passed after discussion. Mr. Chandler said, "It is a notorious fact, as notorious as the records of a court, that pardons have been for sale around this town, for sale by women — by more than one woman. The records of your court in the District of Columbia show this. Any senator who desires this disgraceful business to go on, of course desires that this clause shall remain."

The repeal of the clause, however, would not take from the President his constitutional power of pardoning, but in the judgment of Mr. Trumbull, who had charge of the bill in the Senate, it took from him the power to pardon by proclamation and confined him to his right of issuing individual pardons. The difference between pardon and amnesty was defined by Mr. Trumbull. Pardon is an act of mercy extended to an individual. It must be by deed. It must be pleaded. According to Chief Justice Marshall, it is essential to its validity that it be delivered to the person pardoned. But an amnesty is a general pardon by proclamation. Mr. Trumbull thought the repeal would be a "valuable expression of opinion on the part of Congress that general pardons and restoration of property will not be continued, and if the President continues to pardon rebels and restore their property by individual acts under the Constitution, let him do so without having the sanction of Congress for his act."

Mr. Reverdy Johnson took issue with Mr. Trumbull. He maintained that the President's power to grant pardons, as conferred by

the Constitution, had not been affected by the provision of law whose repeal was now urged. He declared that the power of the President "to grant reprieves and pardons for offenses against the United States" was as broad, as general, as unrestricted as language could make it. He could find no logical ground for the distinction made by Mr. Trumbull between individual pardons and general amnesties by proclamation — in illustration of which he said President Washington had by proclamation pardoned the offenders engaged in the Whiskey Insurrection. The enactment of the provision had not, in Mr. Johnson's opinion, enlarged the President's pardoning power, and its repeal would not restrict it.

It was thought that a majority of the Senate concurred in Mr. Johnson's interpretation of the Constitution, but they passed the bill as a rebuke to the scandalous sale of pardons which Mr. Chandler had brought to the attention of the Senate. This vile practice had no doubt been pursued to some extent, but only by a class of "middle men" who had neither honor nor sensibility. They had in some form the opportunity to secure the interposition of men who could reach the ear of the President or the Attorney-General. It is hardly necessary to add that neither of those high officials was in the remotest degree reflected upon even by their bitterest opponents. However wrong-headed Mr. Johnson and Mr. Stanbery might have been considered on certain political issues, the personal integrity of both was unblemished. It was believed that the nefarious practice was stopped by Mr. Chandler's action in the Senate. Exposure made public men careful to examine each application for pardon before they would consent to recommend it to the President.

The President neither approved the bill nor objected to it, but allowed it to become a law by the expiration of the Constitutional limit of ten days. He obviously took the same view that had been advanced by Mr. Reverdy Johnson, and did not take the trouble to sign it, much less to veto it. It was *brutum fulmen*, and the President used his Constitutional power to pardon by proclamation just as freely after its enactment as before.

NOTE. — "Pocketing a bill" is the phrase commonly used to describe the President's course when he permits a bill which reaches him within the last ten days of the session, to die without act on his part. It is frequently termed the "pocket veto."

CHAPTER XII.

Meeting of Fortieth Congress, March 4th, 1867. — Conspicuous Changes in Senate and House. — Cameron, Conkling, Morton, in Senate. — Butler, Peters, Beck, in House. — Mr. James Brooks objects to the Organization of the House. — Seventeen States absent. — The Clerk declines to receive his Motion. — Third Election of Mr. Colfax as Speaker. — Supplementary Reconstruction Act. — The President's Prompt Veto. — Passed over his Objections. — Congress adjourns to July 3d. — Second Supplementary Act of Reconstruction. — Another Veto. — Ominous Words from the President. — Republicans disquieted. — Congress adjourns to November. — The South placed under Military Government. — Practical Reconstruction. — Conventions in the Southern States. — Constitutions submitted to the People. — Second Session Fortieth Congress. — Aggressive Message from the President. — Southern States readmitted to Representation. — Another Veto from the President. — Reconstruction Contest practically ended. — Representatives and Senators from the South. — Mistakes of Former Slave-holders. — Unfortunate Blunders. — Peculiar Mental Qualities of President Johnson. — The Veto Power. — Its Infrequent Use by Earlier Presidents. — Example of Jackson. — Followed by his Successors. — Difference between Democratic and Whig Presidents. — Mr. Tyler and Mr. Johnson. — Ratification of the Fourteenth Amendment. — Proclaimed by Mr. Seward. — Importance of its Provisions. — Singular Hostility of the Democrats. — A New Charter of Freedom. — Sweeps away Oppression and Every Denial of Justice. — Credit of it conceded to the Republicans.

THE Fortieth Congress met at the very moment the Thirty-ninth closed — on the fourth day of March, 1867. The valedictory words of the presiding officers in both branches were followed immediately by the calling to order of the succeeding bodies. The contest between the President and Congress had grown so violent, the mutual distrust had become so complete, that the latter was unwilling to have its power suspended for the customary vacation of nine months between the 4th of March and the first Monday of the ensuing December; and therefore at the preceding session a law had been passed directing that each Congress should be organized immediately after the existence of its predecessor had closed. The Republican leaders felt that without the supervising and counteracting power of Congress, full force and effect might not be given

to the Reconstruction laws by the President; that they might possibly be neutralized by hostile action from the office of the Attorney-General, and that for this reason it would be well, nay, it was imperatively demanded, that the legislative power should be kept ready to interpose with fresh enactments, the very moment those already in force should be dulled by adverse construction, or haltingly admin-

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FORTIETH CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC; ADMINISTRATION REPUBLICANS IN SMALL CAPITALS.

SENATE.

Benjamin F. Wade of Ohio, President.
John W. Forney of Pennsylvania, Secretary.[1]
MAINE. — Lot M. Morrill, William Pitt Fessenden.
NEW HAMPSHIRE. — Aaron H. Cragin, James W. Patterson.
VERMONT. — George F. Edmunds, Justin S. Morrill.
MASSACHUSETTS. — Charles Sumner, Henry Wilson.
RHODE ISLAND. — William Sprague, Henry B. Anthony.
CONNECTICUT. — JAMES DIXON, Orris S. Ferry.
NEW YORK. — Edwin D. Morgan, Roscoe Conkling.
NEW JERSEY. — Frederick T. Frelinghuysen, Alexander G. Cattell.
PENNSYLVANIA. — *Charles R. Buckalew*, Simon Cameron.
DELAWARE. — *George Read Riddle*,[2] *Willard Saulsbury*.
MARYLAND. — *Reverdy Johnson*,[3] Philip Francis Thomas.[4]
OHIO. — Benjamin F. Wade, John Sherman.
KENTUCKY. — *Garrett Davis, James Guthrie*.[5]
TENNESSEE. — *David T. Patterson*, Joseph S. Fowler.
INDIANA. — *Thomas A. Hendricks*, Oliver P. Morton.
ILLINOIS. — Richard Yates, Lyman Trumbull.
MISSOURI. — John B. Henderson, Charles D. Drake.
ARKANSAS. — Alexander McDonald, Benjamin F. Rice.[6]
MICHIGAN. — Zachariah Chandler, Jacob M. Howard.
FLORIDA. — Adonijah S. Welch, Thomas W. Osborn.[6]
NORTH CAROLINA. — Joseph C. Abbott, John Pool.[6]
SOUTH CAROLINA. — Thomas J. Robertson, Frederick A. Sawyer.[6]
ALABAMA. — Willard Warner, George E. Spencer.[6]
LOUISIANA. — John S. Harris, William P. Kellogg.[6]
IOWA. — James W. Grimes, James Harlan.
WISCONSIN. — JAMES R. DOOLITTLE, Timothy O. Howe.
CALIFORNIA. — John Conness, Cornelius Cole.
MINNESOTA. — Alexander Ramsey, DANIEL S. NORTON.
OREGON. — George H. Williams, Henry W. Corbett.
KANSAS. — Edmund G. Ross, Samuel C. Pomeroy.
WEST VIRGINIA. — Peter G. Van Winkle, Waitman T. Willey.
NEVADA. — William M. Stewart, James W. Nye.
NEBRASKA. — Thomas W. Tipton, John M. Thayer.

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[1] Resigned. Succeeded by George C. Gorham.
[2] Died. Succeeded by *James A. Bayard*.
[3] Resigned. Succeeded by *William Pinckney Whyte*.
[4] Denied admission. *George Vickers* admitted.
[5] Resigned. Succeeded by *Thomas C. McCreery*.
[6] Admitted under Acts June 22-25, 1868.

istered by Executive agents not in sympathy with the policy of Congress.

The membership of the Fortieth Congress was changed in some important respects in both branches. Simon Cameron, at sixty-eight years of age, returned from Pennsylvania as the successor of Edgar Cowan in the Senate. It was the third time he had entered that

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HOUSE OF REPRESENTATIVES.

Schuyler Colfax of Indiana, Speaker.

Edward McPherson of Pennsylvania, Clerk.

MAINE. — John Lynch, Sidney Perham, James G. Blaine, John A. Peters, Frederick A. Pike.

NEW HAMPSHIRE. — Jacob H. Ela, Aaron F. Stevens, Jacob Benton.

VERMONT. — Frederick E. Woodbridge, Luke P. Poland, Worthington C. Smith.

MASSACHUSETTS. — Thomas D. Eliot, Oakes Ames, Ginery Twichell, Samuel Hooper, Benjamin F. Butler, Nathaniel P. Banks, George S. Boutwell, John D. Baldwin, William B. Washburn, Henry L. Dawes.

RHODE ISLAND. — Thomas A. Jenckes, Nathan F. Dixon.

CONNECTICUT. — *Richard D. Hubbard, Julius Hotchkiss*, Henry H. Starkweather, *William H. Barnum.*

NEW YORK. — *Stephen Taber, Demas Barnes, William E. Robinson, John Fox, John Morrissey, Thomas E. Stewart, John W. Chanler, James Brooks, Fernando Wood*, William H. Robertson, Charles H. Van Wyck, John H. Ketcham, Thomas Cornell, *John V. L. Pruyn*, John A. Griswold, Orange Ferriss, Calvin T. Hulburd, James M. Marvin, William C. Fields, Addison H. Laflin, Alexander H. Bailey, John C. Churchill, Dennis McCarthy, Theodore M. Pomeroy, William H. Kelsey, William S. Lincoln, Hamilton Ward, Lewis Selye, Burt Van Horn, *James M. Humphrey*, Henry Van Aernam.

NEW JERSEY. — William Moore, *Charles Haight, Charles Sitgreaves*, John Hill, George A. Halsey.

PENNSYLVANIA. — *Samuel J. Randall*, Charles O'Neill, Leonard Myers, William D. Kelley, Caleb N. Taylor, *Benjamin M. Boyer*, John M. Broomall, *J. Lawrence Getz*, Thaddeus Stevens,[1] Henry L. Cake, *Daniel M. Van Auken, Charles Denison*,[2] Ulysses Mercur, George F. Miller, *Adam J. Glossbrenner*, William H. Koontz, Daniel J. Morrell, Stephen F. Wilson, Glenni W. Scofield, Darwin A. Finney,[3] John Covode, James K. Moorhead, Thomas Williams, George V. Lawrence.

DELAWARE. — *John A. Nicholson.*

MARYLAND. — *Hiram McCullough, Stevenson Archer*, CHARLES E. PHELPS, Francis Thomas, *Frederick Stone.*

OHIO. — Benjamin Eggleston, Rutherford B. Hayes,[4] Robert C. Schenck, William Lawrence, *William Mungen*, Reader W. Clarke, Samuel Shellabarger, Cornelius S. Hamilton,[5] Ralph P. Buckland, James M. Ashley, John T. Wilson, *Philadelph Van Trump, George W. Morgan*,[6] Martin Welker, Tobias A. Plants, John A. Bingham, Ephraim R. Eckley, Rufus P. Spalding, James A. Garfield.

KENTUCKY. — *Lawrence S. Trimble*, (vacancy), *Jacob S. Golladay, J. Proctor Knott, Asa P. Grover, Thomas L. Jones, James B. Beck, George M. Adams*, Samuel McKee.

TENNESSEE. — Roderick R. Butler, Horace Maynard, William B. Stokes, James Mullins, John Trimble, Samuel M. Arnell, Isaac R. Hawkins, David A. Nunn.

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[1] Died. Succeeded by Oliver J. Dickey.

[2] Died. Succeeded by *George W. Woodward.*

[3] Died. Succeeded by S. Newton Pettis.

[4] Resigned. Succeeded by *Samuel F. Cary.*

[5] Died. Succeeded by John Beatty.

[6] Unseated. Succeeded by Columbus Delano.

body, and now, as it proved, for a longer period than ever before. — Roscoe Conkling, who had been steadily growing in strength with the Republican party of New York, was transferred from the House and took the seat of Ira Harris. — Justin S. Morrill of Vermont, after twelve years of useful and honorable service in the House, was now promoted to the Senate for a still longer and equally honorable and

INDIANA. — *William E. Niblack*, *Michael C. Kerr*, Morton C. Hunter, *William S. Holman*, George W. Julian, John Coburn, Henry D. Washburn, Godlove S. Orth, Schuyler Colfax, William Williams, John P. C. Shanks.

ILLINOIS. — Norman B. Judd, John F. Farnsworth, Elihu B. Washburne, Abner C. Harding, Ebon C. Ingersoll, Burton C. Cook, Henry P. H. Bromwell, Shelby M. Cullom, *Lewis W. Ross*, *Albert G. Burr*, *Samuel S. Marshall*, John Baker, Green B. Raum, John A. Logan.

MISSOURI. — William A. Pile, Carman A. Newcomb, THOMAS E. NOELL,[1] Joseph J. Gravely, Joseph W. McClurg,[2] Robert T. Van Horn, Benjamin F. Loan, John F. Benjamin, George W. Anderson.

ARKANSAS. — Logan H. Roots, James Hinds,[3] Thomas Boles.[4]

MICHIGAN. — Fernando C. Beaman, Charles Upson, Austin Blair, Thomas W. Ferry, Rowland E. Trowbridge, John F. Driggs.

FLORIDA. — Charles M. Hamilton.[4]

NORTH CAROLINA. — John R. French, David Heaton, Oliver H. Dockery, John T. Deweese, Israel G. Lash, Nathaniel Boyden, Alexander H. Jones.[4]

SOUTH CAROLINA. — Benjamin F. Whittemore, C. C. Bowen, Simeon Corley, James H. Goss.[4]

GEORGIA. — J. W. Clift, *Nelson Tift*, W. P. Edwards, Samuel F. Gove, C. H. Prince, (vacancy), *P. M. B. Young*.[4]

ALABAMA. — Francis W. Kellogg, Charles W. Buckley, Benjamin W. Norris, Charles W. Pierce, John B. Callis, Thomas Haughey.[4]

LOUISIANA. — J. Hale Sypher, James Mann, Joseph P. Newsham, Michael Vidal, W. Jasper Blackburn.[4]

IOWA. — James F. Wilson, Hiram Price, William B. Allison, William Loughridge, Grenville M. Dodge, Asahel W. Hubbard.

WISCONSIN. — Halbert E. Paine, Benjamin F. Hopkins, Amasa Cobb, *Charles A. Eldridge*, Philetus Sawyer, Cadwalader C. Washburn.

CALIFORNIA. — *Samuel B. Axtell*, William Higby, *James A. Johnson*.

MINNESOTA. — William Windom, Ignatius Donnelly.

OREGON. — Rufus Mallory.

KANSAS. — Sidney Clarke.

WEST VIRGINIA. — Chester D. Hubbard, Bethuel M. Kitchen, Daniel Polsley.

NEVADA. — Delos R. Ashley.

NEBRASKA. — John Taffe.

TERRITORIAL DELEGATES.

ARIZONA. — Coles Bashford.

COLORADO. — George M. Chilcott.

DAKOTA. — Walter A. Burleigh.

IDAHO. — *E. D. Holbrook*.

MONTANA. — *James M. Cavanaugh*.

NEW MEXICO. — *Charles P. Clever*.

UTAH. — *William H. Hooper*.

WASHINGTON. — Alvan Flanders.

[1] Died. Succeeded by *James R. McCormick*.

[2] Resigned. Succeeded by John H. Stover.

[3] Died. Succeeded by James T. Elliott.

[4] Admitted under Acts June 22-25, 1868.

useful service in that body. — Oliver P. Morton, bearing his great reputation as the War Governor of Indiana, now took the seat of Henry S. Lane, whom, six years before, he had succeeded in the gubernatorial chair of his State. — James W. Patterson of New Hampshire had grown rapidly in favor by four years' service in the House and now entered the Senate as the successor of Daniel Clark. — Orris S. Ferry, who but for physical disability would have acquired wider fame, succeeded Lafayette S. Foster as senator from Connecticut. — James Harlan returned from Iowa after a somewhat extraordinary experience with the President during his two years' absence. — Charles D. Drake, fresh from bitter political controversies, entered from Missouri as the successor of B. Gratz Brown. — Cornelius Cole, who had already served in the House, came from California. — Henry W. Corbett, a successful merchant, came from Oregon. The Senate on the whole had received valuable accessions. Some of the men who entered that day became prominent and influential in the public councils for many years.

The House also received some noteworthy additions among the new members. Two marked men from the North-West, who had served as representatives in opposing parties, before the Rebellion, now returned as members of the same political organization, having in the four intervening years acquired great distinction in the war for the Union — John A. Logan of Illinois, and Cadwalader C. Washburn of Wisconsin. — Grenville M. Dodge, who had attained high rank in the volunteer service, entered from Iowa. — Norman B. Judd, who had gained much influence by his long membership of the State Senate of Illinois between 1844 and 1860, and by his service as minister to Berlin under Mr. Lincoln, now came from one of the Chicago districts.

The New-York delegation was strengthened by the advent of some new men. — Dennis McCarthy, an enterprising and successful merchant, with wide knowledge of public affairs, entered from the Syracuse district. He proved a most intelligent and useful member of the House, as he already had of the Legislature of New York. His ability, his industry, and his broadly liberal views have given him a high standing among the people of his State. — William H. Robertson entered at the same time from the Westchester district. He was a member of the House for only a single term, but he left a clear imprint of the high character which has since been put to severe tests and was never found wanting. Able and frank, con-

scientious and careful in the discharge of every trust, Mr. Robertson has established a reputation without spot or blemish. — Orange Ferriss, since of honorable repute as one of the Auditors in the Treasury Department, John C. Churchill, who had already attained a good standing at the Bar, and Addison H. Laflin, afterwards appointed to an important customs office in the city of New York, all entered at this session.

John Coburn, who had made a good record in the war, came from the State of Indiana. Firm and tenacious in his opinions, even to the point of obstinacy, he was for years an active and useful representative of the people. He could not be deflected from what he regarded as the line of duty and he soon acquired the respect of both sides of the House. — Morton C. Hunter, who had done good service in the Army of the Tennessee, as Colonel of an Indiana regiment, and afterwards commanded a brigade in Sherman's Atlanta campaign, now entered from the Bloomington district. — Austin Blair, who had won great praise as Governor of Michigan during the war, now entered as representative from the Jackson district. He exhibited talent in debate, was distinguished for industry in the work of the House and for inflexible integrity in all his duties. He was not a party man in the ordinary sense of the word, but was inclined rather to independence of thought and action. This habit separated him from many friends who had wished to promote his political ambition, and estranged him for a time from the Republican party. But it never lost him the confidence of his neighbors and friends, and did not impair the good reputation he had earned in his public career. — George A. Halsey, a successful manufacturer and a most intelligent, worthy man, entered from the Newark district of New Jersey, bringing to the House a thorough and valuable knowledge of the trade relations of the country, both domestic and foreign. — The New-Hampshire delegation, not present at the organization of the House, had been entirely changed by the late election. Aaron F. Stevens, a lawyer of high standing, Jacob H. Ela, afterwards for many years an Auditor of the Treasury Department, and Jacob Benton, well known in the politics of his State, were the new members. — Worthington C. Smith, an experienced man of affairs, entered from Vermont as the successor of Justin S. Morrill. — Henry L. Cake, an enthusiastic representative of the Pennsylvania Germans and of the anthracite-coal miners, came from the Schuylkill district. — Green B. Raum, afterwards for a considerable period Commissioner of

Internal Revenue, entered from Illinois. — William A. Pile and Carman A. Newcomb, two active and earnest young Republicans, came as representatives of the city of St. Louis.

Benjamin F. Butler now took his seat in Congress for the first time. He was sent from a Massachusetts district of which he was not a resident, thus breaking a long established and approved custom. Though his military career had been the subject of adverse and bitter criticism, it had been marked by certain features which pleased the people, and he came out of the war with an extraordinary popularity in the loyal States. He engaged at once in political strife. During the canvass against the President's policy in 1866 he went through the country, it may with truth be said, at the head of a triumphal procession. He was received everywhere with a remarkable display of enthusiasm, and was fortunate in commending himself to the good will of the most radical section of the Republican party. He naturally affiliated with that side because it never was General Butler's habit to be moderate in the advocacy of any public policy. When he was a Democrat he sustained the extreme Southern wing of the party with all his force and zeal; and when the course of his political associates pointed to a disruption of the Government he turned upon them with savage hostility, declared without hesitation for the support of the Union, offered his services as a soldier, and was constantly in the vanguard of those who demanded the most aggressive and most destructive measures in the prosecution of the war. He entered Congress, therefore, with apparent advantages and in the full maturity of his powers, at forty-nine years of age.

— General Butler had long been regarded as a powerful antagonist at the bar and he fully maintained his reputation in the parliamentary conflicts in which he became at once involved. He exhibited an extraordinary capacity for agitation, possessing in a high degree what John Randolph described as the "talent for turbulence." His mind was never at rest. While not appearing to seek controversies, he possessed a singular power of throwing the House into turmoil and disputation. The stormier the scene, the greater his apparent enjoyment and the more striking the display of his peculiar ability. His readiness of repartee, his great resources of information, his familiarity with all the expedients and subtleties of logical and illogical discussion, contributed to make him not only prominent but formidable in the House for many years. He was distinguished by habits of

industry, had the patience and the power required for thorough investigation, and seemed to possess a keen insight into the personal defects, the motives, and the weaknesses of his rivals. He was audacious in assault, apparently reckless in his modes of defense, and in all respects a debater of strong and notable characteristics. Usually merciless in his treatment of an aggressive adversary, he not infrequently displayed generous and even magnanimous traits. He had the faculty of attaching to himself, almost as a personal following, those members of the House who never came in conflict with him, while he regarded his intellectual peers of both political parties as natural foes whom he was destined at some time to meet in combat, and for whose overthrow he seemed to be in constant preparation.

Another marked character came from New England, — John A. Peters of Maine, — a graduate of Yale, a man of ability, of humor, of learning in the law. He had enjoyed the advantage of a successful career at the bar and was by long training and indeed by instinct devoted to his profession. In his six years' service in the House he acquired among his fellow-members a personal popularity and personal influence rarely surpassed in Congressional experience. He made no long speeches and was not frequently on the floor, but when he rose he spoke forcibly, aptly, attractively, and with that unerring sense of justice which always carried him to the right side of a question, with unmistakable influence upon the best judgment of the House. Since his retirement from Congress his career on the Supreme Bench of Maine, and more recently as its Chief Justice, has given roundness and completeness to a character whose integrity, generosity, and candor have attracted not only the confidence and respect of an entire State, but the devoted attachment of a continually enlarging circle of friends.

James B. Beck took his seat for the first time as representative from the Ashland District of Kentucky. He was born in Scotland in 1822, and though he came to the United States while yet a lad, he has retained in strength and freshness all the characteristics and peculiarities of his race. He has a strong mind in a strong body. Well grounded in the rudiments of education in his native land, he completed his intellectual training in Kentucky and bears the diploma of Transylvania University — in whose list of graduates may be found many of the ablest men of the South-West. Originally a Whig, Mr. Beck followed John C. Breckinridge into the Democratic party at a period when the pro-slavery crusaders had gone mad and

were commanding, indeed morally coercing, the services of a great majority of the able and ambitious young men of the South. He became the law-partner of Breckinridge, and was zealously and devotedly attached to him to the end. Had Beck been a native of the South he would undoubtedly have followed Breckinridge hastily and hot-headedly into the rebellion. He was saved from that fate by the abundant caution and the sound sense which he inherited with his Scotch blood.

— But Mr. Beck had all the sympathy with the Rebellion which was necessary to secure popular support in Kentucky — without which, indeed, a Democrat in that State has had no chance for promotion since the war closed. He has grown steadily in Congress from the day of his entrance. He is honest-minded, straightforward, extreme in his views on many public questions, and though a decided partisan of Southern interests has always had the tact and the good fortune to maintain kindly relations with his political opponents — a desirable end to which his generous gift of Scotch humor has essentially aided him. It is among the singular revolutions of political opinion and political power in this country, that the State and the very city made memorable by Mr. Clay's impassioned devotion to the National Union and his prolonged advocacy of protection, should be represented in Congress by a disciple of the extreme State-rights school and by a radical defender of free trade.

As soon as the Clerk of the House finished the calling of the roll and announced that a quorum had answered to their names, Mr. Brooks of New York rose and called attention to the fact that there were seventeen absent States, ten of which, belonging to the late Confederacy, were not called at all, and the remaining seven — New Hampshire, Rhode Island, Connecticut, Kentucky, Tennessee, Nebraska, and California — had presented no credentials of members, inasmuch as under their respective laws, Representatives to the Fortieth Congress had not yet been chosen. Among the absent were seven of the "old thirteen" — an absolute majority of the States which founded the Republic. The absentees in all amounted to eighty members; and on behalf of his political associates Mr. Brooks presented a formal protest, signed by every Democratic member present, "against any and every action tending to the organization

of this House until the absent States be more fully represented." He asked that it be entered upon the Journal as the protest of the minority of the House. Under the rules the Clerk refused to receive or submit the paper for consideration, and the House immediately proceeded to the election of Speaker. Mr. Colfax was chosen for the third and last time. He received one hundred and twenty-seven votes against thirty cast for Mr. Samuel S. Marshall, a highly respectable Democratic member from Illinois. As before, Mr. Colfax, in his remarks when he took the chair, sought to present an embodiment of Republican policy on current issues. He declared that "the freeman's hands should wield the freeman's ballot;" that "none but loyal men should govern a land which loyal sacrifices have saved;" that "there can be no safe or loyal reconstruction on a foundation of unrepentant treason or disloyalty."

The principal business of the session was to provide supplementary legislation to the Reconstruction Act which had been passed over the President's veto only two days before the new Congress assembled. That Act, from a variety of circumstances, had been forced through at the last under whip and spur. Upon close examination by the leading Republicans of both Senate and House it was found to be defective in many important respects, and especially to lack the detail necessary to give life and vigor to proceedings looking to the practical reconstruction of the Southern States. The two Houses therefore addressed themselves promptly to the task of supplying the necessary amendments and additions. On the 19th of March they sent to the President an Act prescribing in detail the mode for the registering of voters in the insurrectionary States, and for the summoning of a convention to frame a constitution preparatory to the re-admission of each State to representation. The Act declared that "if the constitution shall be ratified by a majority of the votes of the registered electors qualified to vote, at least one-half of all the registered voters voting upon the question, a copy of the same, duly certified, shall be transmitted to the President of the United States, who shall forthwith transmit the same to Congress, and if it shall appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in

conformity with the provisions of the Act to which this is supplementary, and the other provisions of said Act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and senators and representatives shall be admitted therefrom as therein provided."

The President promptly vetoed the bill. Among various objections he said, "This supplemental bill superadds an oath to be taken by every person, before his name can be admitted upon the registration, that he 'has not been disfranchised for participation in any rebellion or civil war against the United States.' It thus imposes upon every person the necessity and responsibility of deciding for himself, under the penalty of punishment by a military commission if he makes a mistake, what works disfranchisement by participation in rebellion and what amounts to such participation. . . . The question with the citizen to whom this oath is to be proposed must be a fearful one, for while the bill does not declare that perjury may be assigned for such false swearing nor fix any penalty for the offense, we must not forget that martial law prevails and that every person is answerable to a military commission, without previous presentment by a grand jury, for any charge that may be made against him, and that the supreme authority of the military commander determines the question as to what is an offense and what is to be the measure of punishment. . . . I do not deem it necessary further to investigate the details of this bill. No consideration could induce me to give my approval to such an election law for any purpose, and especially for the great purpose of framing the constitution of a State. If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. That is his work and it cannot properly be taken out of his hands."

The whole issue presented by the bill was but another of the countless phases of that prolonged and fundamental contest between those who believed that guarantees should be exacted from the rebel States, and those who believed that these States should be freely admitted, without condition and without restraint, to all the privileges which they had recklessly thrown away in their mad effort to destroy the Government. The strength of each side had again been well stated in the debates of the Senate and House and in the veto-message of the President, and no change of opinion was expected

by either party from the reasoning or the protest of the other. The President's argument was therefore met by a prompt vote passing the bill over his veto, in the House by 114 *ayes* to 25 *noes*, and in the Senate by 40 *ayes* to 7 *noes*. The resistance was very slight, and the fruit of the great Republican victory of 1866 was now realized in the formidable strength which the President's opponents exhibited in both branches.

The session lasted until the thirtieth day of March, and though Congress had then completed all the business pressing upon its attention the Republican leaders would not permit an adjournment *sine die*. They decided to meet again in midsummer. The same necessity that had induced them to convene in March persuaded them that the President should not be allowed to have control of events for eight months without the supervision of the legislative branch of the Government. It was resolved therefore that Congress should meet on Wednesday, July 3d. The vigilance and determination evinced by this action did not prove useless or go unrewarded. Only a few weeks after Congress had taken its recess the danger anticipated by the Republican leaders, from hostile interpretation of the Reconstruction Acts by the Attorney-General, was made fully apparent. On the 24th of May and the 12th of June Mr. Stanbery gave two opinions to the President, which in many respects neutralized the force both of the original and supplementary acts of Reconstruction. His adverse views were elaborately and skilfully presented, and tended to embarrass the military commanders of the Southern districts in the administration of law, and to hinder the registration of voters and the holding of elections for constitutional conventions. Republican leaders therefore felt not only justified in the precautions they had taken to keep the power of Congress alive, but esteemed it peculiarly fortunate that they could so promptly prevent the evil effects which might otherwise flow from the unfriendly constructions of the Attorney-General. The principal business of the July session was to provide a second supplementary Act which effectually remedied all the objections and obstructions which Mr. Stanbery's acute legal knowledge had suggested. The bill passed both branches by the 13th of July and reached the President on the 14th — meeting at his hands the same fate that its predecessors had incurred. On the 19th he vetoed it — rehearsing the objections he had repeatedly stated on the same issues.

The President complained that within less than a year Congress

had attempted to strip the Executive Department of the Government of some of its essential powers. "The military commander," said he, "is, as to the power of appointment, made to take the place of the President, and the General of the Army the place of the Senate, and any attempt on the part of the President to assert his own Constitutional power may, under pretense of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws, rather than to the letter of the Constitution, will recognize no authority but the commander of the district or the General of the Army. . . . If there were no other objection than this to the proposed legislation it would be sufficient. While I hold the chief executive authority of the United States, while the obligation rests upon me to see that all laws are faithfully executed, I can never willingly surrender that trust or the powers given for its execution. I can never give my assent to be made responsible for the faithful execution of laws, and at the same time surrender that trust and the powers which accompany it to any other executive officer, high or low, or to any number of executive officers."

Many of those who kept closest watch of the controversy between the President and Congress saw in the foregoing words something ominous. In their apprehensions of evil they construed it as a threat that the President would exercise his power as Commander-in-Chief of the Army and Navy with which he was fully invested by the Constitution, to change the assignment of military officers at will. Should he stubbornly or capriciously assert this power he might seriously embarrass the entire administration of the Reconstruction Acts in the approaching registrations and elections in the Southern States. A change of officers at a single point might frustrate all the preparations for the reconstruction of a State, and a general change might produce chaos in the South and possibly develop a spirit of violence of which no man could measure the effect. The President's words made a deep impression on Congress. Mr. Boutwell saw in them a deadly intent "which provokes and demands the exercise of the highest and gravest duty of this House" — meaning that the President should be impeached. Mr. Randall of Pennsylvania taunted Mr. Boutwell with the declaration that all the talk of impeachment was "mere bluster;" while Mr. Thaddeus Stevens, though believing that Mr. Johnson deserved impeachment, considered it "a vain and futile thing." "There are," said he, "unseen

agencies at work, invisible powers operating everywhere in this country, which will protect a man like Johnson when called upon." Debate, however, was very brief, and the House passed the bill over the veto by *ayes* 108, *noes* 25. In the Senate there was no discussion whatever on the President's message, that body being content to pass the bill against his objections by 30 *ayes* to 6 *noes*.

The Senate and House were both ready to adjourn on the 20th of July, but Mr. Sumner, Mr. Howard of Michigan, and others of the most radical type in both branches, desired that Congress might remain in session for the summer and autumn, or at least have such short vacations as would practically amount to a continuous session. Their object was to keep constant watch of the course of the Administration and be at all times ready to neutralize its evil purposes. Aside from the great personal inconvenience which this would occasion to many members, the judgment of the majority was against so radical a step. The more conservative members of the Republican party feared that a continuous session of Congress would seriously increase the uneasiness and excitement in the country by creating the impression that the Senate and House were sitting as a committee of public safety, in the apprehension of a civil revolution. The reply of those who opposed the adjournment was that the condition of public affairs did actually tend to revolution, and that instead of fanning the popular excitement by remaining in session, Congress would be thus most wisely allaying the fears which had entered the minds of so large a number of the people. But this argument did not prevail, and the conservative view secured a majority in both Houses. The vote in the Senate however was very close, there being only one more Republican in the affirmative than in the negative, leaving to Democratic votes, really, the decision of the question. A very inconvenient compromise was made by an adjournment to the 21st of November — only a fortnight before Congress would convene in regular annual session on the first Monday of December. No good reason was assigned for so extraordinary a step, and no benefit resulted from it.

The Reconstruction Acts, both original and supplementary, were now in full operation throughout the South. The President did not interpose serious objection to the assignment of the Army officers whose names were suggested by General Grant, and the ten insur-

rectionary States not yet re-admitted to representation were remanded to military government with apparent quiet and order. General Schofield was directed to take charge of the district of Virginia; General Sickles was placed in command of the district of North Carolina and South Carolina; General John Pope was assigned to the district of Georgia, Alabama, and Florida; General Ord to the district of Mississippi and Arkansas; and General Sheridan to the district of Louisiana and Texas. These assignments were made with due promptness after the enactment of the laws, and the several commanders at once proceeded to their novel and responsible duties.[1]

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[1] The President's personal hostility to some of the officers thus assigned was well known, and surprise was expressed that he did not countermand or qualify the order of General Grant when first issued. He was especially unfriendly to General Sheridan, and late in the summer of 1867 relieved him from his command. General Hancock was gazetted as Sheridan's successor, but he did not reach his post until late in November, the district meanwhile being under the command, first, of General Charles Griffin, and, second, of General Joseph A. Mower. General Hancock's order assuming command, issued on the 29th of November, had a certain political significance. He expressed gratification "that peace and quiet reign in the Department," and that in his purpose to preserve this condition of things, he regarded "the maintenance of the civil authorities in the faithful execution of the laws as the most efficient under existing circumstances." He said that when insurrectionary force had been overthrown and peace established, "the military power should cease to lead, and the civil administration resume its natural and rightful dominion." "Solemnly impressed with these views," the General announced that "the great principles of American liberty are still the lawful inheritance of the people and ever should be. The right of trial by jury, the *habeas corpus*, the liberty of the press, the freedom of speech, the natural rights of persons, and the rights of property, must be preserved."

General Sheridan had issued an order defining the qualifications of those who might sit on juries during the period of Reconstruction. One of the first acts of General Hancock was to annul this order. He declared "that the determination of who shall and who shall not be jurors appertains to the legislative power," and he indicated his intention of carrying out the existing law of Louisiana in regard to the selection of juries. General Sheridan had distributed certain memoranda of disqualification, together with questions to be proposed, for the registrars. Their effect in substance was to disqualify all persons who, having acted, prior to January 26, 1861, as *United-States senators and representatives, electors, officers of the Army and Navy, civil officers of the United States*, and State officers provided for by the Constitution of the State, had afterwards engaged in the Rebellion; and also all those who in 1862 and 1864 had claimed the protection of foreign powers. General Hancock set aside this action, declaring that he dissented from the construction given to the Reconstruction laws therein, and ordered the registrars to be guided by their own interpretation of the laws and of the Fourteenth Amendment. It was the popular understanding that General Hancock, in these successive steps, was acting in full sympathy with the wishes and designs of the Administration, in all of which he readily concurred as a Democrat.

The appointment of General Pope for the District of Georgia, Alabama, and Florida, had not been agreeable to the President. General Pope's political convictions were of a very positive character, and they were not at all in sympathy with the National Administration. He administered the Reconstruction laws, therefore, in their full spirit and

Under the enlargements of suffrage in the direction of loyalty, and its restrictions in the direction of disloyalty, the Southern States once more turned their attention to the question of Reconstruction. They saw, as the law intended them to see, that military government would exist until the loyal inhabitants of those States should present themselves before Congress with a constitution adapted to the changed circumstances resulting from the war, and to the necessities superinduced by the abolition of slavery. The Southern men who had defiantly rejected the Fourteenth Amendment, and had with confidence relied upon the power of President Johnson to vindicate their position, now discovered their mistake, and were reluctantly but completely convinced that the only road to representation in Congress for their States was through submission to the conditions imposed by the Acts of Reconstruction, — conditions far more exacting than those which had been required by the preceding Congress and which they had so unwisely refused to accept.

The assignments of Army officers to the Southern districts were made early in the spring of 1867. From that time onward it was hoped that the preservation of order would be secured in the South,

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with an entire belief in their justice and equity. He insisted on fair dealing, and suppressed all interference with voters by violence or threats of violence on the part of the late rebels. He would not permit the menace of military organizations, and expressly refused to allow any parading of armed men, except of United-States troops. It was General Pope's opinion that the South had seen quite enough of men in arms within the past four years, and he believed that safety and order would be best maintained by having no uniform worn except that of the Army of the United States, and no other flag shown than the flag of the Union. Holding these pronounced views, aggressively loyal in every thought and action, General Pope was naturally in antagonism with the policy of the President. Towards the close of the year he was relieved of his command and General Meade ordered to take his place.

General Sickles, of the District of North Carolina and South Carolina, was relieved of his command early in September (1867), and General E. R. S. Canby appointed as his successor. General Sickles had been very energetic in the administration of affairs in his department, and had shown remarkable aptitude and efficiency in the discharge of his peculiar duties, — exhibiting in his administration the very qualities most likely to prove offensive to the President. He had perhaps the most difficult command of any of the generals on duty in the South, as the State of South Carolina had from the beginning of the Rebellion presented certain phases of disobedience to Federal authority peculiar to her population and naturally arising from her antecedent history. General Sickles had some trouble with Attorney-General Stanbery, and asked for a court of inquiry, that he might vindicate himself from the accusations of that official.

General Schofield and General Ord alone of the original commanders in the Southern military districts were left to carry through the work of Reconstruction. They both discharged their duties with intelligence and fidelity. Nor was the work of Reconstruction essentially hindered by the changes in other departments. It is the trained habit of the officers of the United-States Army to carry out their orders with implicit faith, and there is seldom a conflict as to the line of duty to be followed. If there was any exception, it

and that the rights of all classes would be adequately protected. But notwithstanding the anticipation of this desirable result, there was throughout the summer and autumn of 1867 a feeling of great anxiety concerning the condition of the Southern States, — a constant apprehension that some outbreak similar to that in New Orleans the preceding year might lead to deplorable consequences, among the least of which would be the postponement of the organization of State governments. The cause of this solicitude among Northern people was the novel experiment in the South of allowing loyal men regardless of race or color to share in the suffrage and to participate in the administration of the Government. Under any less authoritative mandate than that which is conveyed in a military order with the requisite force behind it, the Southern communities would never have accepted or submitted to the conditions thus imposed. But the sympathy which their condition under other circumstances might have evoked in the North, was stifled by the pertinent consideration that they had refused other forms of Reconstruction, and had wilfully drawn upon themselves all that was unwelcome in the one now about to be enforced. It was to be noted moreover that the feature which was most unwelcome — impartial suffrage —

was in regard to the course pursued by General Hancock. His conduct became a subject of controversy, and the popular division respecting its merits was on the political line. The National Administration and the Democratic party, both North and South, applauded every thing which General Hancock said and did in Louisiana. The Republican party throughout the country, and the General commanding the army, who was about to be nominated for the Presidency, united in strong disapproval of his course. But General Hancock's construction of the laws under which he was acting was the same as that held by the Attorney-General of the United States, and he thus felt abundantly justified and fortified in his position. He disobeyed no specific order of the General commanding the army, and, even if there had been a difference between them, General Hancock was sure of the sympathy and support of their common superior — the President of the United States.

It was however the subsequent opinion of General Grant that much of the disorder and bloodshed in the State of Louisiana during the national election of 1868 had resulted from the military government of General Hancock. It was not his belief that General Hancock had the slightest desire or design to produce such results, but that they were the outgrowth of the encouragement which the rebels of Louisiana received from the changes which General Hancock inaugurated in the manner of administering the Reconstruction Laws. Aside however from the conduct of General Hancock, the removal of General Sheridan from the Louisiana District was unqualifiedly offensive to General Grant in a personal sense, and contrary to his best judgment on grounds of public policy and safety. His attachment to Sheridan was very strong, and a wrong against the latter was sooner or later sure to be resented by General Grant. His feelings on the question were promptly and significantly shown when he became President. Inaugurated on the 4th of March, he caused an army order to be issued on the morning of the 5th, restoring General Sheridan to his former command in Louisiana, and ordering General Hancock to the remote and peaceful Department of Dakota.

was the one especially founded upon justice, abstract as well as practical.

Conventions were held successively in all the States, the elections being conducted in good order, while every man entitled to vote was fully secured in his suffrage. The conventions were duly assembled, constitutions formed, submitted in due time, and approved by popular vote. State governments were promptly organized under these organic laws, Legislatures were elected, and the Fourteenth Amendment ratified in each of the States with as hearty a unanimity as in the preceding winter it had been rejected by the same communities. The proceedings were approximately uniform in all the States, and the constitutions, with such minor differences and adaptations as circumstances required, were in all essential points the same. All were ordained in the spirit of liberty, all prohibited the existence of any form of slavery, and all heartily recognized the supreme sovereignty of the National Government as having been indisputably established by the overthrow of the Rebellion which was undertaken to confirm the adverse theory of State-rights.

These proceedings in the South were in full progress when the second or long session of the Fortieth Congress began, on the first Monday of December, 1867. While President Johnson had not interposed any obstructions to the working of the Reconstruction Act which had not been effectively cured by the two supplementary Acts, he had neither concealed nor abated his utter hostility to the policy of Congress, — a form of hostility that grew in rancor in proportion as he had been thwarted and rendered powerless by the enactment of the laws over his veto. When Congress came together he seemed to have gathered all his strength for a final assault upon its Reconstruction work and for a final vindication of his own policy. His message was laden with every form of attack which ingenuity could devise to throw discredit upon Congress, and if possible to affright the people by the dismal consequences destined in his judgment to follow the flagrant violation of the Constitution which he saw in the Reconstruction policy. He appealed to the people on the ground of patriotism, public safety, and personal interest. He pictured anew the advantage and the grandeur of having the old Union fully restored; he warned the people of the danger of sowing the seeds of another rebellion by allowing continued maltreatment of the Southern people; and he appealed to the commercial and financial interests of the country by pointing out how every form of property was

endangered by the chaotic condition of affairs to which, in his belief, the policy of Congress was steadily tending. Beyond these considerations he endeavored to arouse among the people all possible prejudice against negro suffrage. He declared that "of all the dangers which our Nation has yet encountered, none are equal to those which must result from the success of the effort now making to Africanize the half of our country." "We must not," said he, "delude ourselves. It will require a strong standing army, and probably more than two hundred millions per annum, to maintain the supremacy of negro governments after they are established, — a sum thus thrown away which would, if properly used, form a sinking-fund large enough to pay the whole National debt in less than fifteen years."

The argument of the President however was not merely a twice-told tale. It had been repeated many times and though never more artfully stated than now, it fell upon unlistening ears, making no impression whatever upon Congress and very little upon the country. The process of Reconstruction went on, and its first fruit was the presentation of a constitution from Arkansas, framed in exact accordance with the requirements prescribed by Congress, and accompanied by proof that the State had ratified the Fourteenth Amendment to the Constitution. A bill was introduced in the House by Mr. Stevens, on the 7th of May (1868), to admit the State of Arkansas to representation in Congress. The question of Reconstruction had been debated so elaborately and for so long a period of time that there was little disposition now to open the subject afresh, and with far less resistance than had been anticipated the Arkansas bill was passed in both branches, and the State declared entitled to all those rights in the Union which she, with her sisters in rebellion, had so flippantly thrown aside in 1861. A fundamental condition was attached to the admission, declaring "that the Constitution of Arkansas shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote, who are entitled to vote by the Constitution herein recognized, except as a punishment for such crimes as are now felonies at common law, whereof they shall have been duly convicted under laws equally applicable to all the inhabitants of said State."

The Act re-admitting Arkansas to the right of representation was followed immediately by one of the same general scope with respect to the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida. The same fundamental condition

already cited as imposed on Arkansas was imposed on all these States, and the further condition was exacted from Georgia that certain provisions in her Constitution should by a solemn Act of her Legislature be declared null and void. The provisions to be thus annulled related to the collection of debts, and their spirit and intent may be inferred from the opening declaration that "no court in this State shall have jurisdiction to try or determine any suit against any resident of this State upon any contract or agreement made or implied prior to the first day of June, 1865, or upon any contract made in renewal of any debt existing prior to the date named." The provision as the Georgia convention had framed it would have wrought great injury to a large number of creditors in the North. It was a complete outlawry of thousands of dollars legally and equitably due to honest creditors, and Georgia was compelled to agree to its nullification before her senators and representatives could be admitted to seats in Congress.

The bills admitting these States to representation did not secure Executive approval. On the 20th of June (1868) the President sent a message to the House of Representatives with his objections to the Arkansas bill. "The approval of this bill," said he, "would be an admission on the part of the Executive that the Act for the more efficient government of the rebel States, passed March 2, 1867, and the Act supplementary thereto, were proper and constitutional. My opinion however in reference to these measures has undergone no change, but on the contrary has been strengthened by the results which have attended their execution." He then proceeded to state his objections as he had so often done before, with no variation of argument, without the production of new facts. — Five days later, on the 25th of June, the President communicated his objections to the bill admitting the other Southern States to representation. He had apparently become fatigued with the reiteration of his arguments, and he frankly stated that he would not "undertake at this time to re-open the discussion upon the grave Constitutional question involved in the Reconstruction Acts." He declared that "the bill assumes authority over States which has never been delegated to Congress," and "imposes conditions which are in derogation of equal rights." The vetoes did not evoke long debate in either House, and both bills were promptly passed over the objections of the President by a party vote, amounting indeed to more than three to one in both Senate and House.

In the arguments which the President had found such frequent occasion to submit, he quietly ignored the facts of secession, the crime of rebellion, the ruthless sundering of Constitutional bonds which these States had attempted. He took no note of the immense losses both of life and property which they had inflicted upon the Nation, and gave no consideration to the suffering which they had causelessly brought upon the people. If the President's logic should be accepted as indicating the true measure of Constitutional obligation imposed on the different members of the Union, then any State might rebel at any time, seize and destroy the National property, levy war, form alliances with hostile nations, and thus subject the Republic to great peril and great outlay, her citizens to murder and to pillage. If the rebellious State be finally subdued, the National Government must not attach the slightest condition to her re-admission to the Union; must not impose discipline or even administer reproof. The fact that the rebellion fails is the full warrant for its guilty authors to be at once repossessed of all the rights and all the privileges which in the frenzy of anger and disobedience they had thrown away. Such was in effect the argument of the President throughout the Reconstruction contest; such was the demand of the leaders of the Rebellion; such was the concession which the Democratic party constantly urged in Congress, through the press, and in all the channels through which its great power was exerted.

The position of Republicans was steadily the opposite of that described. They held that the States which had rushed into a rebellion so wicked, so causeless, and so destructive, should not be allowed to resume their places of authority in the Union except under such conditions as would guard, so far as human foresight could avail, against the outbreak of another insurrection. They should return to the Union on precisely the same terms as those on which the loyal States held their places; they should have the same privileges and be subjected to the same conditions. As slavery had been the chief inciting cause of disunion, slavery should die. As the vicious theory of State-rights had been constantly at enmity with the true spirit of Nationality, the Organic Law of the Republic should be so amended that no standing-room for the heresy would be left. As the basis of representation in the Constitution had always given the slave States an advantage, those States, now that slavery was abolished, should not be permitted to oppress the negro population and use them merely for an enlarged Congressional power to the white men who had precipitated the

rebellion. As the war to maintain Union and Liberty had cost a vast treasure and sacrificed countless lives, the States that had forced the bloody contest should agree by solemn amendment to the Constitution that the National debt and the pension to the soldier should be secured. These conditions — applying to all the States alike, to the loyal and the disloyal in the same measure — must be honorably agreed to by the States that had gone into Disunion before they should be permitted to resume and enjoy the blessings of Union. History and the just judgment of mankind will vindicate the wisdom and the righteousness of the Republican policy, and that vindication will always carry with it the condemnation of Andrew Johnson.

The long contest over Reconstruction, so far as it involved the re-admission of the States to representation, was practically ended. Eight of the eleven Confederate States, at the close of June 1868, had their senators and representatives in Congress. Three — Virginia, Mississippi, and Texas — were prevented by self-imposed obstacles from enjoying the same privilege until after President Johnson had retired from office. Of the representatives on the floor of the Fortieth Congress from the eight States lately in rebellion, only two were Democrats. The senators were unanimously Republican. Of the aggregate number about one-half were natives of the South. The war upon the "Carpet-bagger" had not yet reached its era of savage atrocity, but the indignation pervading the governing classes of the South, as they were termed, was poured forth in unstinted measure upon the heads of all native Southerners who consented to accept offices conferred by negro votes. It was evident that the admission of the States to representation was to be taken as the signal for a new contest in the South — embittered in its character and sanguinary in its results. The men who had been foremost in plunging their States into the vortex of rebellion were determined to rule them — their determination being of that type which disregards the restraint of law and considers that the end justifies the means.

With all the advantages of old association and in numberless instances of kindly relation with the colored race, the former masters showed themselves singularly deficient in the tact and management necessary to win the negroes and bind them closely to their interest, in the new conditions which emancipation had created. Of the evil re-

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sults that flowed from the contest now about to ensue — a contest that had many elements of provocation and of wrong on both sides — one of the most remarkable features was the complete control which the white men from the North, entire strangers to the negro, to his habits and to his prejudices, so readily obtained over him. The late slave-masters did not adapt themselves to the new situation. They gave way to repining and regretting, to sulking and to anger, to resentment and revenge, and thereby lost a great opportunity for binding together the two races in those ties of sympathy and confidence which must be maintained as an indispensable condition of prosperity, or even of domestic order and the reign of law, in the Southern States. The lack of moral courage among the physically brave men of the South has already been indicated and illustrated. It was something of this same defect that held back the slave-masters from the condescension, as they esteemed it, of establishing any relation whatever with the negro in his new condition of freedom. Such action was frowned upon by the public opinion of this class throughout the South, and for lack of bold leadership at the critical period, for lack of that consideration which in many subsequent instances has been lavished upon the colored man, the current of fatal prejudice was set strongly against the old master in the mind of his former slave. Events, as they developed in the stirring and sorrowful years that followed, were but a continual proof of that form of original blunder on the part of the Southern whites, which in affairs of civil administration is worse than a crime.

In excuse, or at least in explanation, of this unfortunate blunder on the part of Southern men, the obstinacy and wrong-headed course of President Johnson must be pleaded. It was his causeless, voluntary, unpardonable quarrel with his party which misled Southern men at the time when they most needed lessons of wisdom and moderation. The different result which we may well conceive might have followed in the South under the considerate and kindly spirit which Mr. Lincoln would have brought to the problem, gives us by contrast some faint appreciation of the enormity of Johnson's conduct and of the evil effects flowing from it. At the very moment when the President should have stood as a generous mediator, calming the irritation of the South — an irritation inevitably incident to defeat — and restraining somewhat, at least in the manner of preferring them, the demands and requirements which the Government in its hour of victory was justified in making, Johnson committed the grievous

fault of espousing the Southern cause and quarreling with the party which had confided to him the power he was abusing.

Under the patronage and protection of the President, Southern men would have been more or less than human if they had not grown arrogant and defiant towards the men of the North. The chivalric sympathy which always moves the magnanimous in their treatment of a fallen foe, was therefore drowned in the indignation to which Northern men were naturally moved by provocations as unexpected as they were extraordinary. Stimulated by the protection of the President and encouraged by his contumacious quarrel with Congress, the South was driven from one unwise step to another, until the entire situation became hopelessly entangled, and every movement affected by anger and passion; — the North resolving more and more to insist on the fruits of victory, the South resolving more and more to act as though they had conquered in the contest. It was not unnatural, under the anxieties and discouragements of the crisis, that the South should have clung to Mr. Johnson for protection; but in the calm review which the lapse of twenty years affords, the most ardent Southern partisan must see that the President's policy was at enmity with the interest and happiness of his section.

It is not to be forgotten, however, that Mr. Johnson's course was marked by the inherent qualities of his mind. He had two signal defects, either of which would impair his fitness for Executive duty; united they rendered him incapable of efficient administration: — he was conceited and he was obstinate. Conceit without obstinacy may be overcome by the advice of judicious counselors; united with obstinacy it carries its possessor beyond the bounds of prudence, almost beyond the control of reason. Obstinacy united with good judgment is softened into the virtue of firmness. It has often been said that self-made men, as they are termed, are necessarily conceited. Like all aphorisms, this must be taken with numberless exceptions, but it was singularly applicable to Johnson, who was in all respects a self-made man. His great career was never absent from his thoughts, and he was always looking at himself as he fancied he would appear in history. He came to regard himself as the hero upon a remarkable stage of action, and naturally made the reflection that if he could have had in his early years the advantages which so many possess without improving, he would have made strides in life which would have left him without rivals. It would be impossible to gain a full and correct appreciation of Mr. Johnson's

character without taking into account these qualities — qualities which were both the remote and immediate cause of his extraordinary career as Chief Magistrate.

The earlier Presidents, filled with the spirit of the convention that formed the Constitution, were extremely careful in the use of the veto-power. In eight years Washington used it but twice. Neither John Adams nor Thomas Jefferson used it even once. Madison resorted to it three times, Monroe only once, John Quincy Adams in not a single instance. Under the first six Presidents, the veto-power had been used but six times in all; unless there should be included some private bills sent back for correction and not in any sense furnishing matter of contest between parties. The country had thus been educated by the sages of the era of the Constitution in the belief that only an extraordinary occasion justified a resort to what, in the popular dislike of its character, had received the name of "the one-man power." President Jackson, therefore, surprised the country and shocked conservative citizens by his frequent employment of this great prerogative. During his term he thwarted the wish and the expressed resolve of Congress no less than eleven times on measures of great public consequence. Seven of these vetoes were of the kind which, during his Presidency, received the name of "pocket-vetoes."

In Madison's administration a bill which reached the President during the last ten days of the session failed by accident or inadvertence to receive the President's signature, and did not become a law. Mr. Webster is authority for saying that there was not a single instance prior to the administration of General Jackson in which the President by design omitted to sign a bill and yet did not return it to Congress. "The silent veto," said he, "is the exclusive adoption of the present administration." There had been instances in which, during a session of Congress, a President, unwilling to approve and yet not prepared to veto a measure, suffered it to become a law by the lapse of the Constitutional period of ten days; but it was an entirely new device, to defeat a bill by permitting the period of less than ten days to expire at the close of the session — defeat it without action, without expression of opinion, without the responsibility which justly attaches to the Executive office. Commenting

with great power, at the time, upon the new use of the veto-power in all its forms by President Jackson, Mr. Webster declared its tendency was "to disturb the harmony which ought always to exist between Congress and the Executive, and to turn that which the Constitution intended only as an extraordinary remedy for extraordinary cases, into a common means of making Executive discretion paramount to the discretion of Congress in the enactment of laws." It was literally making the extreme medicine of the Constitution its daily bread.

An example set by so strong a ruler as Jackson, especially in the establishment of a practice so congenial to man's natural love of power, was certain to be followed by other Presidents. It was followed so vigorously indeed that the forty years succeeding Jackson's advent to power presented a strong contrast with the forty years which preceded it. The one began with Washington: the other ended with Andrew Johnson. Mr. Van Buren, though in all respects a lineal heir to the principles of Jackson, did not imitate him in the frequent use of the veto-power. But Mr. Tyler on nine different occasions ran counter to the action of Congress by the interposition of his veto. Mr. Polk resorted to it in three signal instances, but neither General Taylor nor Mr. Fillmore came in conflict with Congress on a single measure. President Pierce almost rivaled General Jackson in the ten vetoes with which he emphasized his own views as distinct from those of Congress. Mr. Buchanan used his arbitrary power on four occasions during his term. Mr. Lincoln permitted one bill to be defeated, as already noted in these pages, by the expiration of Congress, and arrested the passage of another by direct use of the veto. President Johnson, who in many features of his career has been suspected of an attempted imitation of Jackson, far surpassed his great prototype in the use of the veto-power, employing it directly in no less than twenty-one instances, besides pocketing at least two bills of public importance. The aggregate number of vetoes, therefore, in the forty years that followed General Jackson's first election exceeded fifty, as against six for the forty years preceding it.

It will not escape observation that the most frequent resort to the veto has been by those Presidents who were chosen by the political organization which has always declared its hostility to Executive power. The Democratic party had its origin and its early growth in the cry against the overshadowing influence of the Presi-

dential office — going so far in their denunciations as to declare that it was aping royalty in its manners and copying monarchy in its prerogatives. The men who made this outcry defeated John Quincy Adams who never used the veto, and installed Jackson who resorted to it on all occasions when his judgment differed from the conclusion of a majority of Congress. Neither Taylor nor Fillmore — both reared in the Whig school — ever attempted to defeat the will of Congress, though each wielded Executive power at a time when questions even more exciting than those of Jackson's era engaged public attention. Mr. Lincoln presents a strong contrast with his predecessors, — Pierce and Buchanan, — illustrating afresh the contradiction that the party declaiming most loudly against Executive power has constantly abused it. Mr. Tyler and Mr. Johnson were both chosen by the opponents of the Democracy, but they were both reared in that school, and both returned to it — exhibiting in their apostasy the readiness with which the Democratic mind turns to the tyranny of the veto.

The success of reconstruction in the South carried with it the ratification of the Fourteenth Amendment by the requisite number of States. The result was duly certified by Mr. Seward as Secretary of State, on the twenty-eighth day of July, 1868, and the Amendment was thenceforward a part of the organic law of the nation. It had been carried, from first to last, as a party measure — unanimously supported by the Republicans, unanimously opposed by the Democrats. Its grand and beneficent provisions failed to attract the vote of a single Democratic member in any State Legislature in the whole Union. Wherever the Democrats were in majority the Legislature rejected it, and in every Legislature where the Republicans had control the Democrats in minority voted against it. Not only was this true, but the States of Ohio and New Jersey, which had ratified it in 1866–67 when their Legislatures were Republican, formally voted in 1868, when the Democrats had come into power, to recall their assent to the Amendment and to record their opposition to its adoption. It is very seldom in the history of political issues, even when partisan feeling is most deeply developed, that so absolute a division is found as was recorded upon the question of adopting the Fourteenth Amendment. It has not been easy in succeeding years to comprehend the deep-seated, all-pervading hostility of the

Democratic party to this great measure. Even on the Thirteenth Amendment, containing the far more radical proposition to abolish slavery, a few Democrats, moved by philanthropic motives, broke from the restraint of party and honored themselves by recording their votes on the side of humanity and justice; but on the Fourteenth Amendment the line of Democratic hostility in Nation and in State was absolutely unbroken.

It seems incredible that Democrats can be satisfied with the record made by their party on this most grave and important question. Every one of the many objects aimed at in the Fourteenth Amendment is founded upon a basis of justice, of liberty, of an enlarged and enlightened nationality. Its minor provisions might be regarded as temporary in their nature, but its leading provisions are permanent and are essential to the vitality of a true republic. Even those which may be held as temporary deeply affect more than one generation of American citizens, and are of themselves sufficiently important to justify a great struggle for their adoption.

It was certainly of inestimable concern to the honor of the country that those who had shed their blood and those who had given their treasure for its defense, should have their claims upon the national justice placed beyond the whim, or the caprice, or the malice of an accidental majority in Congress. Nor would it have been wise to leave open to those who in the conflict of arms had lost their slaves, the temptation to besiege Congress and the Legislatures of their States for compensation. Such an opportunity would have been a menace to the public credit, and would have proved a constant source of corruption. The Republicans therefore said, "We shall incorporate the right of the soldier to his pension, and of the public creditor to repayment, in the very Constitution of the Republic; and shall in the same solemn manner decree that as slavery instigated the drawing of the sword against the life of the nation, and justly perished by the sword, its assumed value shall not be placed upon the free people of the United States as a mortgage whose payment may be exacted from their property and their toil." Against these just provisions, which in their nature are limited as to time, the Democrats in Congress and in every Legislature of the Union recorded an absolutely unanimous vote.

Another provision of the Fourteenth Amendment, temporary in its application, indeed necessarily limited to the existing generation, was demanded by the Republicans. The great mass of those en-

gaged in the Rebellion were pardoned the moment their arms were laid down. But the leaders who, in official position before the war, had solemnly sworn to support the Constitution, were held to be far more guilty than the multitude who followed them. They deliberately rebelled against a government to which, on their consciences and on their oaths, they had given their personal pledge of fidelity. The Republicans did not propose to visit even these chief offenders with pains and penalties; but they resolved to place in the Constitution a prohibition upon their holding office under the National government until after two-thirds of both branches of Congress, satisfied of their good intentions, should remove their disabilities. The Democrats unanimously voted against even this mild discipline to those who precipitated the desperate war, thereby declaring their willingness, if not their desire, that the most guilty should fare as well as the innocent; that for example Mr. Toombs might resume his seat as a senator from Georgia, Mr. Breckinridge as a senator from Kentucky, Mr. Benjamin as a senator from Louisiana, Mr. Jefferson Davis as a senator from Mississippi.

Still another provision of the Amendment which might prove temporary in its application, or might prove permanent, as the South should decide, was that relating to representation in Congress. On this point the Republicans held, as has been so often repeated, that the negro should not be included in the basis of representation until he was admitted to suffrage. There is such absolute justice and fair dealing in this proposition, that no reply which deserves to be called an argument has ever been made to it. The original provision in the Constitution by which three-fifths of the slaves were enumerated in the basis of representation, agreed to originally as a compromise in connection with the subject of direct taxation, had lost its relevancy by reason of emancipation as decreed in the Thirteenth Amendment. The question now before Congress was therefore a new one. It affected the rights of States and the equality of citizens. To concede four and a half millions of negroes to the basis of Southern representation, and at the same time to confine the suffrage to the whites, was not merely a harsh injustice to the colored race, but it was an insulting discrimination against Northern white men. It gave, as was well said at the time, a far greater influence in National affairs to the vote of the Confederate soldier in the South than to the vote of the Union soldier in the North. In Congressional districts where the colored race constituted

one-half of the total population (and in many instances the proportion was even larger), the vote of one white man offset the vote of two in a Northern district where suffrage was impartial. This ratio of influence went into the Electoral College, and gave to the white men of South Carolina, Mississippi and Louisiana double the power of that enjoyed by white men in New York, Illinois and California. The loss of Representatives to the Northern States, or more properly speaking the gain to the Southern States on existing numbers, would be nearly one-eighth of the entire House, and fully one-quarter of those likely to occupy seats on the Democratic side of the chamber. In the Electoral College, the loss to the North and the gain to the South would be in nearly the same ratio. In the rapid increase of the negro race the offensive discrimination against the North would be continually enlarging in its proportions. The corrective provision in the Fourteenth Amendment was designed to prevent this grave injustice both to the negro and to the white man — but every Democrat in Congress and in the State Legislatures voted against it through all the stages of its enactment and its ratification, and thereby expressed a willingness to give an unfair advantage to the Southern white man, and to establish an unfair discrimination against the Northern white man.

Important and essential as are the provisions of the Fourteenth Amendment just cited, indispensable as they have proved in the system of Southern Reconstruction, they are relatively of small consequence when compared with that great provision which is for all time: — that provision which establishes American citizenship upon a permanent foundation, which gives to the humblest man in the Republic ample protection against any abridgment of his privileges and immunities by State law, which secures to him and his descendants the equal protection of the law in all that relates to his life, his liberty, and his property. The first section of the Constitutional amendment which includes these invaluable provisions is in fact a new charter of liberty to the citizens of the United States; is the utter destruction of the pestilent heresy of State-rights, which constantly menaced the prosperity and even the existence of the Republic; and is the formal bestowment of Nationality upon the wise Federal system which was the outgrowth of our successful Revolution against Great Britain.

Before the adoption of this Amendment citizenship of the United States was inferred from citizenship of some one of the States, for

there was nothing in the Constitution defining or even implying National citizenship as distinct from its origination in or derivation from a State. It was declared in Article IV, Section 2, of the Federal Constitution, that "Citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States;" but nothing was better known than that this provision was a dead letter from its very origin. A colored man who was a citizen of a Northern State was certain to be placed under the surveillance of the police if he ventured south of the Potomac or the Ohio, destined probably to be sold into slavery under State law, or permitted as a special favor to return at once to his home. A foreign-born citizen, with his certificate of naturalization in his possession, had prior to the war no guarantee or protection against any form of discrimination or indignity, or even persecution, to which State law might subject him, as has been painfully demonstrated at least twice in our history. But this rank injustice and this hurtful inequality were removed by the Fourteenth Amendment. Its opening section settled all conflicts and contradictions on this question by a comprehensive declaration which defined National citizenship and gave to it precedence of the citizenship of a State. "*All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the States wherein they reside.*" These pregnant words distinctly reversed the origin and character of American citizenship. Instead of a man being a citizen of the United States because he was a citizen of one of the States, he was now made a citizen of any State in which he might choose to reside, because he was antecedently a citizen of the United States.

The consequences that flowed from this radical change in the basis of citizenship were numerous and weighty. Nor were those consequences left subject to construction or speculation. They were incorporated in the same section of the Amendment. The abuses which were formerly heaped on the citizens of one State by the legislative and judicial authority of another State were rendered thenceforth impossible. The language of the Fourteenth Amendment is authoritative and mandatory: "*No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.*" Under the force of these weighty inhibitions, the citizen of foreign birth cannot be per-

secuted by discriminating statutes, nor can the citizen of dark complexion be deprived of a single privilege or immunity which belongs to the white man. Nor can the Catholic, or the Protestant, or the Jew be placed under ban or subjected to any deprivation of personal or religious right. The provision is comprehensive and absolute, and sweeps away at once every form of oppression and every denial of justice. It abolishes *caste* and enlarges the scope of human freedom. It increases the power of the Republic to do equal and exact justice to all its citizens, and curtails the power of the States to shelter the wrong-doer or to authorize crime by a statute. To Congress is committed the authority to enforce every provision of the Fourteenth Amendment, and the humblest man who is denied the equal protection of the laws of a State can have his wrongs redressed before the Supreme Judiciary of the Nation.

It is perhaps not strange that the Democrats of the South were hostile to the great results wrought for freedom, for justice, and for popular rights by the Fourteenth Amendment. Their education, their prejudices, their personal interests had all been in the opposite direction, and it was doubtless too much to hope that all these would be overcome by a victory for the Union — a victory which carried to their minds a sense of personal humiliation and of remediless ruin. If their course was unwise it is not altogether unintelligible. But the action of the Northern Democrats cannot be accounted for and cannot be excused. They stood stubbornly, solidly, without reason, without justification, against a great enlargement of popular rights. It is matter of wonder that a political organization which claims Jefferson for its founder and Jackson for its exemplar, should have surrendered to its rival the sole glory of an achievement which may well be compared with that increase of liberty attained by our ancestors, when the dependence of Colonies was exchanged for the independence of States.

Two eminent judges of the Supreme Court who died after the close of the war are entitled to the admiration and gratitude of the loyal citizens of the United States. When Mr. Lincoln was inaugurated there were three judges on the Supreme Bench from the States which afterwards formed the Confederacy, — James M. Wayne of Georgia, John Catron of Tennessee, and John A. Campbell of Alabama. The last-named was placed upon the bench in 1853, and

was undoubtedly the choice of Jefferson Davis, who as the leading Southern member of President Pierce's Cabinet exerted large influence, if not absolute control, over appointments from the slave-holding States. The personal and political associations of Judge Campbell led him to resign his position on the Supreme Bench, and to give the weight of his name and his learning to the Confederate cause.

Judge Wayne was appointed by President Jackson in 1835, and Judge Catron by President Van Buren immediately after his inauguration in 1837, under a bill enlarging the Court, which had been approved by General Jackson. Judge Catron had long been a favorite of General Jackson in Tennessee, and it was understood that in appointing him to the Bench Mr. Van Buren was carrying out the expressed wishes of his predecessor. Both judges came from that earlier and better school of Southern Democracy which resisted the injurious heresies of State-rights and Nullification, sustained the Force Bill under President Jackson, and stood loyally by the Union of the States. They were allied to the South by birth, by education, and by the associations of a lifetime. Their friends, their kindred, even members of their own families, joined in the Rebellion. But these patriotic men, one of whom was born during the Revolutionary war and the other during the first term of Washington's Presidency, maintained their judicial positions and were unshaken in their loyalty to the Union. Their example was followed by few officials from the States that seceded, but the steadfastness of their faith was a striking illustration of the difference between the South of Jefferson and Jackson and the South of Calhoun and Davis. They sat on the Bench throughout the entire civil struggle, — Judge Catron dying in May, 1865, in the eighty-seventh year of his age, and Judge Wayne in July, 1867, in his seventy-eighth year.

The conduct of these venerable judges is all the more to be praised because they did not personally sympathize in any degree with the Republican leaders. They did not believe in the creed or the policies of the party, and feared the result of its administration of the National Government. Their views in regard to the Constitutional rights of the slave-holders were the same as those held by the Confederate chieftains. They had both concurred with Chief Justice Taney in the Dred Scott decision. But it was enough for them now to know that Mr. Lincoln had been Constitutionally chosen President of the United States, and had been Constitutionally installed in his great

office. It was not for them as Justices of the Supreme Court to know any thing of his Executive acts, except as they might properly come for review before their high tribunal. They illustrated the honorable line of duty for a Judge under the Government of the United States. Off the Bench, his right to political opinions is no more to be questioned than that of any other citizen. On the Bench, he falls short of the full measure of his exalted duty if by any act or any expression he discloses his sympathy with one political party or his prejudice against another.

It is a tribute of honor to the Supreme Court that through all the mutations of its existence only a single Justice has proved unfaithful to the Union of the States; and prior to the war three-fifths of all the Justices were appointed from the South. Southern men in all other departments of the Public Service — those eminent in our Congressional annals, in the Army, in the Navy, in the field of Diplomacy, and even one who had occupied the Presidential chair — followed the lead of their States in rebellion against the Union; or rather it may with truth be said, they led their States into rebellion against the Union. Judge Campbell, in furnishing the sole exception to the record of judicial loyalty, did not yield without a struggle. He was surrounded with peculiar embarrassments, and was not strong enough to overcome them. He realized his position, and did what he could to avert war; but when war was inevitable, he upheld the Confederate cause and became one of its directing minds. In contrast with the fall from his high estate and over against all the evil influences which forced Judge Campbell to his fate, the names of Catron and Wayne will shine in history as examples of the just judge and the incorruptible patriot.

CHAPTER XIII.

Government Finances after the War. — Difficulties of the Situation. — Intrepidity of Congress. — Its Great Task. — $600,000,000 Bill. — Summary of Public Debt, December, 1865. — Funded and Floating Obligations. — Aggregate Debt January 1, 1866, $2,739,491,745. — $1,600,000,000 Floating Obligations. — Mr. McCulloch's Estimates. — His Financial Policy. — Contraction the Leading Feature. — Ways and Means Committee report a Funding Bill. — House Debate thereon. — Senate Debate. — Final Passage. — Revenue Laws in Congress. — Contrasted with British Parliament. — Large Reduction of Internal Taxes. — Second Reduction of Internal Taxes. — Contraction Policy oppressive. — Indirect Relief. — Hostility rapidly increases. — Progress of Funding Bill. — Repeal of Contraction Bill. — Its Evil Effects. — Further Reduction of Internal Taxes. — Financial Achievements of the Government. — Large Reduction of National Debt. — Valuable Treasury Officials. — Purchase of Alaska. — Price, $7,200,000 in Gold Coin. — Purchase at First Unpopular. — Resistance in the House. — Mr. Washburne and General Butler oppose. — Treaty ably sustained by General Banks. — Interesting Debate. — Many Participants. — Power of the House respecting Treaties. — Chronic Controversy. — The Bill passed. — Opinion of Judge McLean. — Of Mr. Jefferson. — Extent of Alaska. — Value of it. — Its Elements of Wealth. — First Northern Territory acquired by the United States. — Negotiation ably conducted by Mr. Seward.

THE financial experience of the Government of the United States in the years following the war is without precedent among nations. When Congress first met after the close of hostilities (December, 1865), it was as a ship sailing into dangerous and unknown seas without chart of possible channels. The Reconstruction problem before the country seemed at the time to be less difficult than the financial problem. Other nations had incurred great expenditures for war purposes, but had always left them in chief part as a heritage for the future. Great Britain will probably never pay the total principal of her public debt. France will be burdened perhaps as long as her nationality endures by the debts heaped upon her through the ambition of her sovereigns, and in her own struggles to enlarge the liberty of her people. But in this country the purpose was early formed, not simply to provide for the interest upon the debt incurred in the war for the Union, but to begin its payment at

once, and to arrange for its rapid liquidation. In view of the magnitude of the sum involved this was a new undertaking in the administration of Government finances.

The difficulties of the situation were undoubtedly aggravated and complicated by the questions which arose from the condition of the Southern States. Could Congress expect at once that the population in those States would begin to contribute to the revenue, would cease to require large expenditures for the maintenance of the National authority, would again add to the volume of our exports, to our commerce, and our general prosperity? Serious re-action had in other lands followed the financial expansion created by great wars, even without complications similar to those which the disturbed condition of the South seemed to render unavoidable. Ought Congress to accept such a re-action as the necessary condition of the restoration of our currency, of return to a normal situation, of adjustment of expenditure to revenue on a peace footing? Could the possibility be entertained of such a return and such an adjustment, without panic, without paralysis of industry, without temporary interruption and prostration of commerce? Grave apprehensions were felt as to the possible effect upon production and trade of the legislation required to maintain the National credit. These apprehensions derived force and peculiar seriousness from the growing conflict between President Johnson and Congress upon measures of Reconstruction and upon removals from office.

In spite however of all suggested fears and doubts, a feeling of confidence pervaded the country, and was fully shared by Congress, that the power which had saved the Union could re-establish its credit without panic and without dangerous and prolonged depression. Faith in the resources which had equipped and supported the National armies, now embraced the plainer and less exciting duties of funding and paying the debt and of protecting the notes of the United States. The loans had been placed, the money borrowed, under the excitement of war, — sometimes under the pressure of defeat, sometimes in the exaltation of victory. Without this pressure, without this exaltation, could money be secured for longer time at lower interest, could taxes be continued at a rate adequate to build up a National credit worthy to be compared with that of the older and richer nations beyond the Atlantic?

The intrepidity with which Congress met its task will always compel the admiration of the student of American history. While

the war lasted, the contributions by taxes and by loans had been on a munificent scale. The measures adopted at the close of the Thirty-eighth Congress, after four years of desperate struggle and on the very eve of National victory, showed as great readiness to make sacrifices, as little disposition to count the cost of saving the Union, as had marked previous legislation. Less than six weeks before the surrender of Lee the internal taxes were increased, the duties on imports were adjusted to that increase, and a new Loan Bill was enacted. The bill provided for borrowing, in addition to the authority given by previous Acts, any sum not exceeding $600,000,000, in bonds, or treasury notes convertible into bonds, at six per cent interest in coin or seven and three-tenths per cent interest in currency. This provision was found to be so comprehensive that it not only provided a strong instrumentality for meeting the immense demands incident to the disbanding of the armies and the final settlement of claims connected with that momentous change in our affairs, but also laid the foundation for the policy of funding the debt at a reduced rate of interest. These results testify to the magnificent proportions of the financial legislation during the period of hostilities.

When the Thirty-ninth Congress met in December, 1865, gold stood at 147⅞ @ 148½. A month later, on the 1st of January, 1866, the legal-tender notes and fractional currency amounted to $452,231,810; notes bearing $7\frac{3}{10}$ per cent interest, to $830,000,000; compound-interest notes payable three years from date (a considerable proportion of which time had elapsed), to $188,549,041; certificates of indebtedness, payable at various dates within the current year, to $50,667,000; and the temporary loan, practically payable on demand, had reached the large sum of $97,257,194. These might all be called floating and pressing obligations, and their grand aggregate was $1,618,705,045. At the same time the amount represented by bonds (6's of 1861, 5-20's, and 10-40's) was $1,120,786,700, — showing a total National debt on New-Year's Day, 1866, of $2,739,491,745. If the National credit was to be maintained these sixteen hundred millions of floating obligations must be promptly placed on a basis that would give time to the Government to provide means for their ultimate redemption. President Johnson, in his message at the opening of the session, spoke of the debt not as a public blessing, but as a heavy burden on the industry of the country, to be discharged without unnecessary delay. This was the popular sentiment in all

sections of the country, although in financial circles arguments were frequently heard in favor of creating interminable obligations and of adjusting the debt on a basis of permanency, after the European fashion. The reduction had indeed already begun, since the maximum of debt had been attained in the preceding August.

The Secretary of the Treasury, Mr. Hugh McCulloch, estimated that for the fiscal year ending with June, 1867 (for which Congress was about to provide), the revenue would exceed the expenditures by $111,682,818, and that the whole of our vast debt could be liquidated by annual payments within thirty years. Mr. McCulloch's plans were to take from the compound-interest notes their legal-tender quality, from the date of their maturity, and to sell six per cent bonds, redeemable at the pleasure of the Government, for the purpose of retiring both the compound-interest notes and the plain legal-tenders. He believed that the entire debt might be funded at five per cent, while the average of the annual interest now stood at $6\frac{62}{100}$ per cent. He pointed to harmony between the different parts of the Union and to the settlement of the relations of labor in the Southern States, as essential conditions to the best management of the National obligations.

The leading feature of Mr. McCulloch's financial policy was the immediate and persistent contraction of the currency. His argument in support of this policy, as given in his annual report, was not accepted by the country or by Congress without serious reservation; but his belief in the theory was strong and determined, and so far as the laws permitted he went on reducing the volume of paper in circulation until on the 12th of April, 1866, the sum of legal-tenders was brought down to $421,907,103. Financiers of the Eastern cities favored the policy of contraction, although the logical plea was urged against them that the country would grow up to the volume of currency if not harried and disturbed by new legislation. Manufacturers and the holders of their products, and many who had incurred pecuniary obligations in the expanded currency, took alarm at the rapidity with which the Treasury notes were withdrawn. The argument was urged that the heavy taxes could not be met if the withdrawal were so rapid, and that industry and trade would in consequence be paralyzed by the enforced fall in prices.

These opinions and apprehensions were developed in the debates which led to the passage of the Act of April 12, 1866. The subject was first introduced by Mr. Alley of Massachusetts. On the 18th

of December (1865) he offered a resolution concurring in the views of the Secretary of the Treasury, in relation to the necessity for a contraction of the currency, with a view to as early a resumption of specie payment as the business interests of the country would permit. Under a suspension of the rules, without debate, 144 voted for the resolution, 6 against it, and 32 were not recorded. Two months later, on the 21st of February, 1866, Mr. Morrill, from the Committee on Ways and Means, reported a bill which, as he explained, would expand the authority provided by the Act of March 3, 1865, for funding interest-bearing obligations, so as to include non-interest-bearing obligations. The measure authorized the Secretary to exchange the bonds prescribed by that Act for notes or certificates, and power was given to negotiate them and make them payable either in the United States or elsewhere, but if beyond the sea at not over five per cent interest.

— Mr. Thaddeus Stevens declared that the bill put over *sixteen hundred millions* of Government paper under the absolute and uncontrolled discretion of the Secretary of the Treasury. "This is a tremendous bill," said he. "It proposes to confer more power upon Mr. McCulloch than was ever before conferred upon any one man in a government claiming to have a constitution."

— Mr. Hooper of Massachusetts magnified the financial achievements of the Government, urged the policy embodied in the bill, and insisted on the importance of restoring the currency to a sound condition at the earliest practicable moment. He controverted the suggestion which had been made to increase United-States notes to $1,000,000,000, on the ground that the value of that dollar would be constantly fluctuating. A minority of the commissioners appointed by the preceding Congress to inquire into the state of trade and commerce had presented a specious argument in favor of debasing the coinage, but Mr. Hooper dismissed the proposition summarily and argued strongly for a contraction of legal-tender notes.

— Mr. Hulburd of New York maintained that taxation could not be increased to meet the existing and maturing obligations of the Government. He held that under the Acts of June, 1864, and March, 1865, the Secretary had power to sell at home or abroad six per cent coin bonds in any amount to meet short obligations of the Government. "Under the proposed measure," he said, "authority is specifically asked to withdraw the fractional currency and legal-tender notes, in whole or in part, and to substitute bonds for them. The

like power was never asked for Neckar or for Pitt. As a principle the proposition is dangerous." He protested vigorously against making any part of the public debt payable in foreign countries.

— Mr. John Wentworth of Illinois argued in favor of contraction, maintaining that the purpose of the pending bill was to make the Secretary of the Treasury master of the situation. "If we expect him to compete successfully with the most desperate body of men in the world we must confer upon him the necessary powers. The real question is, Shall our Government pay its pensions and all its employees and creditors in depreciated paper, when by borrowing a little money at six per cent it can bring its paper to par?" He charged that an immense lobby against the bill had thronged the hall, and was surprised to find importers among them. "But the importers have found," said he, "that a bloated currency bloats the fashions." He earnestly indorsed Mr McCulloch as a cautious man, who would not be precipitate, no matter what power might be conferred upon him: "If we adopt his policy we shall wake up some morning and find the paper of our country at par."

— Mr. Pike of Maine doubted the necessity of enforced contraction; but if contraction was necessary, he was for taxing the circulation of national banks out of existence, and afterwards retiring greenbacks. "Once upon a specie basis," said he, "let the business of the country regulate itself." He proposed also to allow the States to tax the bonds of the United States.

— Mr. Price of Iowa asked: "Would any prudent and sensible business man who had given his note payable at his own option, without interest, be likely to give for it another note for the same amount payable at a certain time, with interest at six per cent semi-annually, in gold coin?"

— Mr. Scofield of Pennsylvania asked if the legal-tender notes were not, upon their face, payable on demand.

— Mr. Allison of Iowa insisted that "the Secretary of the Treasury does not propose to return to specie payments immediately, but he expresses the opinion that the reduction of greenbacks by the sum of one hundred million dollars will secure that result."

— Mr. Boutwell of Massachusetts was content to try the experiment of converting the interest-bearing obligations into long bonds, but was unwilling to go farther.

— Mr. Sloan of Wisconsin proposed an amendment to make "bonds and all other obligations of the United States hereafter issued payable in lawful money," but the suggestion met with no favor.

— Mr. Roscoe Conkling maintained that "in the first place, the Secretary of the Treasury has now the power, under the Act of March 3, 1865, to exchange any securities of the Government which bear interest for any other securities which bear interest. In the second place, he has the power to call in, to cancel, to annihilate, so that it shall never go out again, every particle of currency issued prior to June 30, 1864; and the truth is, that substantially if not literally the whole of the currency was issued previous to that time." . . . "Only one power," said Mr. Conkling, "remains to be conferred upon him; and that is, the power to put his bonds upon the market when he pleases, where he pleases, as he pleases, sell them for money, and with that money purchase the outstanding obligations of the Government."

— Mr. Garfield argued that "under existing law, the Secretary can issue compound-interest notes and 7-30 bonds to meet current indebtedness; but these are the most expensive forms of government obligations, and therefore he ought not to use the power." He thought the proposed bill was necessary in the interest of the Government. He would "trust the Secretary to proceed cautiously in the path required by honor, to place our currency on a sound basis. . . . We have travelled one-third of the way since Congress met. Gold was then 148. It is now 130. Defeat this bill, and there will be a jubilee on Wall Street."

— Mr. Lawrence of Ohio opposed the bill, and presented a letter from Mr. Freeman Clarke, then Comptroller of the Currency, saying, "We have full power to fund every dollar of the floating debt without any legislation, and with no occasion for making any loan whatever."

— Mr. Morrill closed debate on the 16th of March; and the bill coming to a vote, was defeated, — *ayes* 65; *noes* 70. But on a motion to reconsider, it was again brought before the House on the 19th of March, and after brief debate was recommitted. When it re-appeared, four days later, it contained a *proviso* "that the Secretary of the Treasury shall not retire more than ten million dollars of legal-tender notes in the first six months after the passage of the Act, and not more than four million dollars a month afterwards; and shall make a report to Congress of his action under this provision." Mr. Morrill submitted a letter from Mr. McCulloch, expressing the opinion that "it will be a national calamity if Congress shall fail to grant additional powers to the Secretary." He added, that "the apprehension which exists, that if power is given to the Secretary to

retire legal-tender notes the circulation will be ruinously contracted, is without any special foundation." The effect of the discussion was to strengthen the bill in the House where it was passed by *ayes* 83; *noes* 53.

The bill was favorably reported to the Senate from the Finance Committee, and came up for consideration on the 9th of April, under the charge of Mr. Fessenden.

— Mr. Sherman re-affirmed the objections made in the House, that the power conferred was greater than had ever been granted to any Secretary of the Treasury since the foundation of the Government. "The power," said he, "is absolute. The Secretary may sell securities of any form at any time and fund the whole debt. No present necessity exists for such grant of authority. The *proviso* for restricting contraction is not adequate for that purpose. By retaining a large balance in the Treasury, the Secretary can contract the currency without violating the *proviso*." He deemed it unwise "to place in the hands of any mortal man this absolute and extreme control over the currency."

— Mr. Fessenden said the true principle of the bill was, "that as soon as it can be done with safety, Congress means that we shall get back to the old system of specie payments. That is about all there is of it. The effect of rejecting the measure will be to say to everybody that the Government intends to keep depreciated paper in the financial market."

— Mr. Chandler of Michigan believed the measure "to be evil, and evil only; containing dangerous powers which should not be conferred, and which no man should be willing to accept." Mr. Howe of Wisconsin agreed with him.

— Mr. Guthrie of Kentucky (Secretary of the Treasury under President Pierce) pronounced it "necessary and proper to give this power to the Secretary." And Mr. Morgan of New York, agreeing with him, declared that he desired the bill "just as it is."

— An amendment to strike out the words authorizing the sale of the bonds elsewhere than in the United States was overwhelmingly defeated, — *ayes* 7, *noes* 35. The bill was then passed by *ayes* 32, *noes* 7, and by the President's signature became a law on the 12th of April, 1866.

The discussion of this important financial measure illustrates the various phases of opinion prevailing both in Congress and in the country. The desire to return to a specie basis was general, and yet

not a few clung to the legal-tender notes as a permanent and standard currency. While the argument in favor of contraction was presented with great force, the possibility of going too fast, even in the right direction, was conceded by the wisest financiers. The natural disinclination of the American people to entrust unrestricted power to any officer was frequently and forcibly expressed. The policy of funding the obligations bearing interest was admitted on all hands, and for this purpose the sale as well as the direct exchange of bonds was approved. But the repugnance to accepting less than par, or allowing the possibility of such a rate, had its origin and support in the patriotic instincts and in the sound judgment of the people. The requirement of a report from the Secretary and the limitation of the extent of contraction, were the essential changes which made the measure acceptable.

The enactment of this bill presents in an instructive light the character of our financial legislation and the methods by which it is accomplished. As originally presented the bill had the approval of the Secretary of the Treasury and came before the House with the favorable report of the Committee on Ways and Means. Yet it had no such standing as in the British Parliament is given to a financial project of the Government. There, such a proposition would be definitely framed at the Treasury, and its details would be elaborated when first presented. The Chancellor of the Exchequer would state the full character of the measure and the reasons for asking its adoption. Opposition or question would be expected only from the benches of the rival party. Here, on the other hand, after the House, using its own judgment, had modified the bill, criticism and hostility came from the Treasury that had originally proposed it. Several prominent members of the dominant party were pronounced in opposition. Saved by parliamentary strategy when once defeated, the bill was started into new life by the adoption of restrictions upon the power and the action of the Secretary of the Treasury. These restrictions were shown to be necessary in the progress of the debate. Individual judgment asserted itself and the Act became the harmonious resultant of the conflicting opinions of the entire House.

Congress therefore did not enact anybody's theory. It put into the statute the prudent, cautious sense of the people. Recognizing the principle of funding the floating obligations, and of contraction as a means to resumption, Congress only responded to the common sense of its great constituency, in forbidding reckless haste, and in

defining the rate of speed. The purpose of keeping in Congress the control of the rate of contraction was only a part of the general determination that the representatives of the people and of the States shall prescribe the methods of conduct as well as the principles and broad measures of administration. Every Government finds by practice the system of legislation and administration best adapted to its own wants. While ministerial power and a trained following, such as obtain in England, may possess advantages under the circumstances existing in the British Empire, it is the settled judgment of this country that a perfectly free discussion, enlightened but not restrained by departmental recommendation or by dictation of committees, is best adapted to the varied and conflicting wants of the whole people. And this was never better illustrated than in the financial bill whose important provisions have been under consideration.

The revenue laws received careful attention during this session. The chief measure was the Act of July 13, 1866. It came before the House with the assurance from the Ways and Means Committee that it would steadily and materially reduce internal taxes. The system of internal revenue which had been so elaborately and intelligently constructed for war purposes, yielded $310,906,984 for the fiscal year ending June 30, 1866. Reductions were now made in the taxes on several hundred articles of manufacture, on savings banks, on the gross receipts of certain corporations; and the income tax was in some degree mitigated. The total reductions were estimated at $75,684,000, but an increase was proposed on raw cotton amounting to nearly one-third of this sum. Prolonged discussion arose over this tax and resulted in disagreement between the two Houses. The bill was finally perfected in a conference committee and ended by reducing the total internal revenue to $265,920,474 per annum — with all allowance made for the growth of the country and the elasticity of Government receipts.

Not satisfied with the large reduction of taxes made at the first session after the close of the war, Congress resumed the subject at the second session. Early in February, 1867, Mr. Morrill, from the Committee of Ways and Means, reported a bill for the further reduction of taxes, which became a law on the 2d of March. The taxes removed were returning a yearly revenue of more than $36,000,000 to the National Treasury. The principal reductions were $19,500,000 from the income tax; $4,000,000 from clothing; $3,500,000 from woolens; $3,250,000 from leather; $1,000,000 from engines;

$600,000 from sugar-refiners; $600,000 from tinware; $500,000 from castings; $500,000 from doors, sashes and blinds; with many others yielding less sums. All these formed a part of what were termed war taxes, and the steady purpose of Congress was to remove them as rapidly as the obligations of the Treasury would permit. As matter of fact they were removed long before such action was expected by the people, and before the special interests subjected to the burden had time to petition for relief or even to complain of hardship.

During the winter of 1866–67 there was a prolonged discussion in Congress over an Act finally passed March 2, 1867, authorizing the Secretary of the Treasury to exchange three per cent certificates of indebtedness for compound-interest notes, and allowing these certificates to be counted as a part of the reserve of National Banks. The first proposition was to allow interest at $3\frac{65}{100}$ per cent. The exchange of notes not bearing interest for those bearing compound interest was proposed by Mr. Stevens, and at first supported by a majority, but on reconsideration it was defeated. Objection was made to the bill that it was a scheme for giving to the banks interest on their reserves, which they could not otherwise receive when the compound-interest notes should be retired. Of these notes the banks held $90,000,000 and the limit proposed for the certificates was $100,000,000. Congress finally limited the amount of certificates to $50,000,000 at three per cent, and allowed them to stand for two-fifths of the reserve of any bank.

While this arrangement was an obvious advantage to the National banks, no such motive inspired Congress in passing the bill. Quite another object was aimed at in its enactment. The influence of contraction, which had gone into operation by the Act of the preceding summer, was already felt in the business of the country. The real significance of the Act just passed was that to a certain degree it checked and even neutralized the operation of the statute which ordered contraction. The compound-interest notes served the National banks as a part of their reserve, and as rapidly as they were cancelled, legal-tender notes were to be held in their stead. Their withdrawal from circulation for this purpose led therefore to a direct and forcible contraction of the actual currency of the country. By substituting the certificates of indebtedness as available for reserves this contraction was prevented, and by the concession of interest, even at three per cent, the banks were induced to surrender the securities which cost the Government a higher rate. The limit of

these certificates was subsequently raised to $75,000,000, — a limit which in fact was often reached, — but as legal-tenders were needed the certificates were surrendered to the Treasury.

This is substantially the history of contraction, or of attempts at contraction made by the Thirty-ninth Congress. The successful effort to parry its effect, as already described, shows how unwelcome it had proved to the business community, and how Congress, without resorting at once to an absolute repeal of the act, sought an indirect mode of neutralizing its effect. Mr. McCulloch, in trying to enforce the policy of contraction, represented an apparently consistent theory in finance; but the great host of debtors who did not wish their obligations to be made more onerous, and the great host of creditors who did not desire that their debtors should be embarrassed and possibly rendered unable to liquidate, united on the practical side of the question and aroused public opinion against the course of the Treasury Department. An individual, by an effort of will, can bring himself to endure present inconvenience and even suffering, for a great good that lies beyond, but it was difficult for forty millions of people to adopt this resolve. Nor were the cases quite similar in motive and influence, for although it might be admitted that the entire nation would be benefited by the ultimate result, the people knew that the process would bring embarrassment to vast numbers and would reduce not a few to bankruptcy and ruin. It was easy to see, therefore, that as each month the degree of contraction was made public, the people more and more attributed their financial troubles to its operation. Perhaps, in large degree, this was the result of imagination, and of that common desire in human nature to ascribe one's faults and misfortunes to some superior power. The effect nevertheless was serious and lasting. In the end, outside of banking and financial centres, there was a strong and persistent demand for the repeal of the Contraction Act.

The process of funding and paying the National debt, and of contracting the currency, went on with vigor and persistency during the summer and autumn of 1867. The Treasury statements for the year showed that up to November 1, 1867, the long obligations of the Government had been increased to $1,781,462,050; while the short obligations, other than currency, had been reduced to $441,655,120.63,

and the currency in greenbacks, fractional notes and certificates of deposit for gold, to $402,385,677.39. The Treasury held $133,998,-398.02; so that the National debt, less this cash, stood at $2,491,-504,450. It thus exhibited an average reduction of the debt from its maximum, August 31, 1865, to November 1, 1867, of more than $10,000,000 per month.

Gold was lower than it had been, but great disappointment was felt because the premium, which had ranged in January, 1867, at 32⅛ @ 37⅛, was in November 37½ @ 48⅝, and the latter figure was higher than the quotation at the beginning of the first session of the Thirty-ninth Congress. The charge was current, and was believed by many, that the premium had been advanced by speculators to compel Congress to enforce the policy of contraction. On the other hand, it was declared to be demonstrably true that the reduction of the volume of paper did not lower the premium on gold. It only depressed production and placed the markets of every kind under the control of reckless operators. Surely, it was argued, the contraction had been severe enough to satisfy the advocates of the most stringent Procrustean policy. The short obligations had been cut down nearly one-half since January, 1866. If account were taken of compound-interest notes the reduction in currency ought to be reckoned at $100,000,000, and even at twice that sum, since the cash held by the Treasury had been taken from the circulation of the country.

The Secretary of the Treasury still adhered to the policy of contraction, and yet was charged with putting into circulation legal-tender notes that had been once withdrawn, in order to affect the market. Thus in August, 1866, between the 8th and the 22d inclusive, he had withdrawn and destroyed $12,530,111, and on the 31st of that month he issued $12,500,000. He had again in October, 1866, cancelled $500,000 on the 24th, and issued anew the same sum on the 25th. On the 31st of January, 1867, he had issued anew $4,000,000, May 31 $2,500,000, and during December, 1867, $1,842,400. In answer to remonstrance against this practice the Secretary maintained that the authority to contract and to cancel the legal-tender notes did not require him to do it, but left it within his discretion. This was unquestionably the law of the case.

Mr. McCulloch in his official report insisted on the funding or payment of the balance of interest-bearing notes, and upon a continued contraction of the currency, as the first measure for promoting the National prosperity; and he presented a strong argument in

favor of permanent specie payment. He reported that he had not always retired notes in each month to the extent permitted, but he declared that the effect of the policy as carried out had been salutary and that its continuation would be obviously wise. Yet he found that financial views were inculcated, which if not corrected might lead to its abandonment. The truth was that the Secretary's policy was counter to the popular wish, and evidence was accumulating that Congress would not sustain him in its continued enforcement. The Secretary had confidently relied upon the bankers and commercial men of the country; but the serious fact was now developed, that many of the most prudent financiers had concluded that the changes in the volume of the currency were causing mischief, and that the process of contraction had been carried as far as was desirable.

The Secretary argued bravely and wisely in his report, in favor of paying the principal and interest of the Government bonds in coin. His argument was designed to meet heresies which had found favor in unexpected quarters. The plea was urged by the new and short-lived school of finance that the notes of the National banks should be withdrawn and greenbacks substituted for them, that all payments by the Government on the principal of the bonds should be in its own paper. It was admitted by these novel theorists that the bonds on their face promised coin for interest; but they maintained that the bonds had been issued in large part when gold was at a heavy premium for paper, and could rightfully be liquidated in paper at its advanced value. Propositions were frequently presented to stop the issue of bonds and to pay out notes for any obligations of the Government offered at the Treasury or becoming due in any form. The pressure of rapid contraction secured a hearing for every extravagant proposition. Prejudice against speculators in gold, who during the war had grown rich on the disasters of the Union, was added to the discussion, especially while the premium was maintained and the National credit charged with odium on its account.

At the opening of the second session of the Fortieth Congress (December, 1867) numerous resolutions and bills demanding the stoppage of contraction were referred to the Committee on Ways and Means. Five days afterwards Mr. Schenck reported a bill of four lines, by which the "further reduction of the currency by retiring and cancelling United-States notes is prohibited." It had the unanimous approval of the Committee on Ways and Means, and was passed by the House, — *ayes* 127, *noes* 32. The minority

included a goodly number of leading Republicans. In the Senate Mr. Sherman, in supporting the bill, stated the amount of contraction since August 1, 1866, at $140,122,168. He argued from these figures that "contraction should go no farther while industry is in a measure paralyzed, and that Congress ought to resume control of the currency, which should not be delegated to any single officer." He declared that the measure was entirely preliminary to other legislation, "which must include the banking system, the time and manner of resuming specie payments, the payment of the debt and the kind of money in which it may be paid, and the reduction of expenditures and taxes." Debate was somewhat prolonged, and a conference committee gave final form to the measure, which failed to receive the President's signature, but became a law without it. It is known as the "Act of February 4, 1868, prohibiting any further reduction of the currency, and authorizing the replacing of mutilated notes." By this Act the minimum limit of legal-tender notes was fixed at $356,000,000, — the volume then afloat after Mr. McCulloch's policy of contraction had done its work.

The actual legislation of the second session of the Fortieth Congress included also the repeal of the tax on raw cotton, and the further reduction of internal revenue, by the Acts of March 31 and July 20 (1868). Great relief was given to manufacturers by the abolition of the five per cent tax on a variety of products. The surrender of revenue was estimated at $23,000,000 on cotton and at $45,000,000 on manufactures. These concessions were much needed, for the producers of cotton were crippled by the condition of their States, and manufacturers found that prices did not justify the payment of these war charges.

In his annual message to Congress in December, 1868, President Johnson argued "that the holders of our securities have already received upon their bonds a larger amount than their original investments, measured by the gold standard. Upon this statement of facts it would seem but just and equitable that the six per cent interest now paid by the Government should be applied to the reduction of the principal, in semi-annual installments, which in sixteen years and eight months would liquidate the entire National debt." This bold and shameless advocacy of repudiation was less mischievous than it would have been if Mr. Johnson had held a longer lease of power, and if the people had not in the Presidential election pronounced so clear and positive a verdict in favor of the maintenance

of the National credit. The Senate deemed it worth while to put on record a resolution condemning this part of Mr. Johnson's message. Mr. Hendricks of Indiana moved a substitute indorsing the sentiment in the message, and closing with the words of the Democratic National Convention in favor of paying the bonds in *lawful money*. Only seven senators supported his substitute, while forty-four opposed it; and President Johnson's proposal for repudiation was, by the action of the Senate, "utterly disapproved and condemned," — *ayes* 43, *noes* 6. In the House of Representatives a similar resolution was passed by a vote of 155 *ayes* to 6 *noes*, 60 not voting. No Democratic member in that body seemed willing to assume the objectionable position taken by Mr. Hendricks in the Senate, and a declaration "that all forms of repudiation are odious to the American people" was adopted without a division.

The financial achievements of the National Government herein reviewed, for the four years following the war, may be briefly summarized. The National debt was reduced by the sum of nearly $300,000,000, while at the same time the Government reduced its revenue to the amount of $140,000,000 per annum by the repeal of a long series of internal taxes. During this period more than $35,000,000 had been paid from the Treasury towards the construction of the Union and Central Pacific Railroads, and $7,200,000 was paid to the Russian Government on account of the purchase of the Territory of Alaska. It is also to be noted that within this period were embraced all the expenses incident to the disbandment of the Union army, and also a very large addition to the pension-list. Notwithstanding all these enormous expenditures the business interests of the country continued prosperous, and the fact that so large a reduction had been made in internal taxes gave promise that within a comparatively short period the Government would be able to remove all levies that were in any degree oppressive or even vexatious to private interests.

By reason of his official and personal connection with the President, Mr. McCulloch had failed to secure cordial support from Congress, and had moreover given offense by his obvious sympathy with the free-traders, who were already beginning to assault the protective tariff which the necessities of war had led the country to adopt. The Secretary had also gone far beyond the popular wish and the best business judgment of the country in regard to the rapid contraction of the currency. But while his politics and his policies

were not acceptable to Congress or to the people, he is entitled to high credit for his direct, honest, intelligent administration of the Treasury Department. In the peculiar embarrassments to the administration of the Government, caused by the course of President Johnson, it was matter of sincere congratulation that a Secretary of the Treasury, so competent and trustworthy as Mr. McCulloch had approved himself, was firmly in place before the serious political disturbances began — a congratulation in which his most ardent Republican opponents were ready to join, knowing how fatal it might prove if President Johnson had the opportunity to nominate his successor.

Throughout the more difficult period of his administration of the department, Mr. McCulloch was aided by two most intelligent and efficient officers. Mr. William E. Chandler, though only twenty-nine years of age, was appointed First Assistant Secretary in March, 1865, and exhibited great aptitude, discrimination, and ability in his position. He developed an admirable talent for details, a quick insight into the most difficult problems that came before the Department, and at all times an honorable devotion to public duty. The Bureau of Internal Revenue, the most important of the Treasury Department, was under the direction of another citizen of New Hampshire, Edward Ashton Rollins. The Bureau for a time collected more than half the revenue of the United States, and required in its Commissioner integrity, administrative talent, and singular skill in providing against every form of fraud. No department of the Government had to contend against so many corrupt combinations to rob the Government, and the slightest relaxation of vigilance on the part of the Commissioner might involve at any time a loss of millions to the National Treasury. In the complex and difficult duties of this station, Mr. Rollins proved himself equal to every requirement.

The purchase of Alaska was completed by the Act of July 27, 1868, which appropriated the amount agreed upon in the treaty of March 30, 1867, — negotiated by Mr. Seward on behalf of the United States, and by Baron Stoeckl representing the Emperor of all the Russias. The Russian Government had initiated the matter, and desired to sell much more earnestly than the United States desired to buy. There is little doubt that a like offer from any other European government would have been rejected. The pressure of our financial

troubles, the fact that gold was still at a high premium, suggested the absolute necessity of economy in every form in which it could be exercised; and in the general judgment of the people the last thing we needed was additional territory. There was, however, a feeling of marked kindliness towards Russia; and this, no doubt, had great weight with Mr. Seward when he assented to the obvious wishes of that government. But while there was no special difficulty in securing the ratification of the treaty by the Senate, a more serious question arose when the House was asked to appropriate the necessary amount to fulfill the obligation. Seven million two hundred thousand dollars in gold represented at that time more than ten million dollars in the currency of the Government; and many Republicans felt, on the eve, or rather in the midst, of a Presidential canvass, that it was a hazardous political step (deeply in debt as the Government was, and with its paper still at heavy discount) to embark in the speculation of acquiring a vast area of "rocks and ice," as Alaska was termed in the popular and derisive description of Mr. Seward's purchase.

When the bill came before the House, General Banks, as Chairman of the Committee on Foreign Affairs, urged the appropriation with great earnestness, not merely because of the obligation imposed upon the Government by the treaty, which he ably presented; not merely by reason of the intrinsic value of the territory, which he abundantly demonstrated; but especially on account of the fact that Russia was the other party to the treaty, and had for nearly a century shown a most cordial disposition towards the United States. General Banks maintained that at every step of our history, from 1780 to the moment when he was speaking, Russia had been our friend. "In the darkest hour of our peril," said he, "during the Rebellion, when we were enacting a history which no man yet thoroughly comprehends, when France and England were contemplating the recognition of the Confederacy, the whole world was thrilled by the appearance in San Francisco of a fleet of Russian war vessels, and nearly at the same time, whether by accident or design, a second Russian fleet appeared in the harbor of New York. Who knew how many more there were on their voyage here? From that hour France, on the one hand, and England on the other, receded, and the American Government regained its position and its power. . . . Now, shall we flout the Russian Government in every court in Europe for her friendship? Whoever of the representatives of the

American people in this House, on this question, turns his back, not only upon his duty, but upon the friends of his country, upon the Constitution of his Government, and the honor of his generation, cannot long remain in power."

Mr. Cadwalader C. Washburn answered the speech of General Banks on the succeeding day (July 1, 1868). He assumed the leadership of the opposition to the treaty. He proposed to demonstrate to the satisfaction of the House five distinct propositions: "*First*, that at the time the treaty for Alaska was negotiated, not a soul in the whole United States asked for it; *second*, that it was secretly negotiated, and in a manner to prevent the representatives of the people from being heard; *third*, that by existing treaties we possess every right that is of any value to us, without the responsibility and never-ending expense of governing a nation of savages; *fourth*, that the country ceded is absolutely without value; *fifth*, that it is the right and duty of the House to inquire into the treaty, and to vote or not vote the money, according to its best judgment." Mr. Washburn made an able speech in support of his radical propositions.

General Butler sustained Mr. Washburn's position in a characteristic speech, especially answering General Banks's argument that we should pay this amount from a spirit of friendship for Russia. "If," said General Butler, "we are to pay this price as usury on the friendship of Russia, we are paying for it very dear indeed. If we are to pay for her friendship, I desire to give her the seven million two hundred thousand dollars in cash, and let her keep Alaska, because I think it may be a small sum to give for the friendship if we could only get rid of the land, or rather the ice, which we are to get by paying for it." He maintained that it was in evidence before the House officially, "that for ten years the entire product of the whole country of Alaska did not exceed three million dollars."

— Mr. Peters of Maine pronounced the territory "intrinsically valueless; the conclusive proof of which is found in the fact that Russia is willing to sell it." He criticised the action of the Senate in negotiating the treaty. "If the treaty-making power can buy, they can sell. If they can buy land with money, they can buy money with land. If they can buy a part of a country, they can buy the whole of a country. If they can sell a part of our country, they can sell the whole of it!"

— Mr. Spalding of Ohio, on the other hand, maintained that "notwithstanding all the sneers that have been cast on Alaska, if it could

be sold again, individuals would take it off our hands and pay us two or three millions for the bargain."

— General Schenck thought the purchase in itself highly objectionable, but was "willing to vote the money because the treaty has been made with a friendly power; one of those that stood by us, — almost the only one that stood by us when all the rest of the powers of the world seemed to be turning away from us in our recent troubles."

— Mr. Stevens supported the measure on the ground that it was a valuable acquisition to the wealth and power of the country. He argued also in favor of the right of the Senate to make the treaty.

— Mr. Leonard Myers was sure that if we did not acquire Alaska it would be transferred to Great Britain. "The nation," said he, "which struggled so hard for Vancouver and her present Pacific boundary, and which still insists on having the little island of San Juan, will never let such an opportunity slip. Canada, as matters now stand, would become ours some day could her people learn to be Americans; but never, if England secures Alaska."

— Mr. Higby of California answered the objections relating to climate. "I do not know," said he, "whether the people of the East yet believe what has been so often declared, that our winters on the Pacific are nearly as mild as our summers, and yet such is the fact. In my own little village, situated over fourteen hundred feet above the level of the ocean, I have seen a plant growing in the earth green through all the months from October to April."

— Mr. Shellabarger opposed the purchase. He said those nations which had been compact and solid had been the most enduring, while those which had the most extended territory lasted the least space of time.

— Mr. Price of Iowa thought that it was "far better to expend the $7,200,000 in improving the Mississippi River, in order that breadstuffs may be transported cheaply from the West to the seaboard." He had no faith in the value of the territory proposed to be purchased.

— Mr. McCarthy of New York rejected the plea that we should purchase Alaska because Russia is a friendly power. "I ask this House," said he, "whence this friendship comes. It comes from self-interest. She is the absorbing power of the Eastern continent, and she recognizes us as the absorbing power of the Western continent; and through friendship for us she desires to override and overbalance the governments of Europe which are between her and us."

— General Butler moved a proviso, that "the payment of $500,000 of said appropriation be withheld until the Imperial Government of Russia shall signify its willingness to refer to an impartial tribunal all such claims by American citizens against the Imperial Government as have been investigated by the State Department of the United States and declared to be just, and the amounts so awarded to be paid from said $500,000 so withheld."

— General Garfield, presiding at the time over the Committee of the Whole, ruled it out of order, and on an appeal being taken the decision was sustained by *ayes* 93, *noes* 27. After dilatory motions and the offer of various amendments, which were rejected, the bill was passed by *ayes* 113, *noes* 43.

— The House prefaced the bill by a preamble, asserting in effect that "the subjects embraced in the treaty are among those which by the Constitution are submitted to the power of Congress, and over which Congress has jurisdiction; and for these reasons, it is necessary that the consent of Congress should be given to the said stipulations before the same can have full force and effect." There was no mention of the Senate's ratification, merely a reference to the fact that "the President has entered into a treaty with the Emperor of Russia, and has agreed to pay him the sum of seven million two hundred thousand dollars in coin." The House by this preamble evidently claimed that its consent to the treaty was just as essential as the consent of the Senate, — that it was, in short, a subject for the consideration of *Congress*.

The Senate was unwilling to admit such a pretension, especially when put forth by the House in this bald form, and therefore rejected it unanimously. The matter was sent to a conference, and by changing the preamble a compromise was promptly effected, which preserved the rank and dignity of both branches. It declared that "whereas the President had entered into a treaty with the Emperor of Russia, and *the Senate thereafter gave its advice and consent to said treaty, . . . and whereas said stipulations cannot be carried into full force and effect, except by legislation to which the consent of both Houses of Congress is necessary;* therefore be it enacted that there be appropriated the sum of $7,200,000" for the purpose named. With this compromise the bill was readily passed, and became a law by the President's approval July 27, 1868.

The preamble finally agreed upon, though falling far short of the one first adopted by the House, was yet regarded as a victory

for that branch. The issue between the Senate and the House, now adjusted by a compromise, is an old one, agitated at different periods ever since the controversy over the Jay treaty in 1794–95. It is simply whether the House is bound to vote for an appropriation to carry out a treaty Constitutionally made by the President and the Senate, without judging for itself whether, on the merits of the treaty, the appropriation should be made. After the appropriation required under the Jay treaty had been voted by the House, that body declared, in a resolution which was adopted by *ayes* 57, *noes* 35, "that it is the Constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good." But that was the declaration of the House only; whereas the preamble agreed to in the appropriation of money for the purchase of Alaska contained the assent of both branches.

Though the Constitutional principle involved may not be considered as one settled beyond a fair difference of opinion, there has undoubtedly been a great advance, since the controversy between the two branches in 1794, in favor of the rights of the House when an appropriation of money is asked to carry out a treaty. The change has been so great indeed that the House would not now in any case consider itself under a Constitutional obligation to appropriate money in support of a treaty, the provisions of which it did not approve. It is therefore practically true that all such treaties must pass under the judgment of the House as well as under that of the Senate and the President. Judge McLean of the Supreme Court delivered an opinion which is often referred to as embodying the doctrine upon which the House rests its claim of power.[1] "A treaty," said the learned Justice, "is the supreme law of the land only when the treaty-making power can carry it into effect. A treaty which stipulates for the payment of money undertakes to do that *which the treaty-making power cannot do; therefore the treaty is not the supreme law of the land.* To give it effect the action of Congress is necessary, and in this action the representatives and senators act on their own judgment and responsibility and not on the judgment and responsibility of the treaty-making power. *A foreign government may be presumed to know that the power of appropriating money belongs to Congress.* No

[1] Turner *vs.* The American Baptist Missionary Union, 5 McLean, 344.

act of any part of the Government can be held to be a law which has not all the sanctions to make it law."[1]

The important transaction was not closed without a feeling of resentment in Congress against Mr. Seward, because of his going so far in the negotiation without reserving any judgment for other Departments of the Government. The treaty with Russia was absolute in its terms. There was no qualifying clause making its fulfillment dependent upon the appropriation of the money by Congress. By the time Congress had the subject under consideration, Russia had removed her military guard and surrendered the territory to President Johnson, who had taken formal possession of it in the name of the United States. Our flag was hoisted where that of Russia had lately floated. It was no doubt Mr. Seward's intention by this course to render a withholding of the purchase money by Congress impossible, and it must be confessed that the moral coercion was skilfully applied and was found to be irresistible. Mr. Seward did not consider the treaty from a financial point of view. He knew intuitively that the territory was worth more to the United States than to any other power; and he knew that at the most critical point in our civil war, the outspoken friendship of Russia had been worth to the cause of the American Union many times over the amount we were about to pay for Alaska.

The territory which we thus acquired is of vast extent, exceeding in its entire area a half million square miles. Its extreme length is about eleven hundred miles; its extreme width about eight hundred. It stretches nearly to the seventy-second degree of north latitude,

[1] Mr. Jefferson, more promptly than other great statesmen of his generation, appreciated the degree of power residing in the House of Representatives. In a private letter discussing the subject he expressed views in harmony with Justice McLean's opinion, long before that opinion was delivered. He wrote to Mr. Monroe: "We conceive the Constitutional doctrine to be, that though the President and Senate have the general power of making treaties, yet whenever they include in a treaty matters confided by the Constitution to the three branches of the Legislature, an act of legislation will be necessary to confirm these articles, and that the House of Representatives, as one branch of the Legislature, are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not. On this depends whether the powers of legislation shall be transferred from the President, Senate, and House of Representatives, to the President, Senate, and Piamingo, or any other Indian, Algerine, or other chief."

three hundred and fifty miles beyond Behring's Straits; and borders upon the Arctic Ocean for more than a thousand miles. The adjacent islands of the Aleutian group are included in the transfer, and reach two-thirds of the way across the North Pacific in the latitude of 60°, — the westernmost island being within six hundred miles of the coast of Kamtchatka. The resources of the forests of Alaska are very great, — the trees growing to a good height on the mountain sides as far as two thousand feet above the tide level. The timber is of the character generally found in Northern climates: yellow cedar of durable quality, spruce, larch, fir of great size, and hemlock. In the world's rapid and wasteful consumption of wood, the forests of Alaska will prove not merely a substantial resource for the interests of the future, but a treasure-house in point of pecuniary value. To this source of wealth on land that of the water must be added, in the seal and food fish which are found in immeasurable quantities along the coast of the mainland and the islands.

From the time of the acquisition of Louisiana until the purchase of Alaska, the additions of territory to the United States had all been in the interest of slavery. Louisiana, stretching across the entire country from South to North, was of equal value to each section; but the acquisition of Florida, the annexation of Texas, the territory acquired from Mexico by the treaty of Guadalupe Hidalgo, with the addition of Arizona under the Gadsden treaty, were all made under the lead of Southern statesmen to strengthen the political power and the material resources of the South. Meanwhile, by the inexcusable errors of the Democratic party, and especially of Democratic diplomacy, we lost that vast tract on the north known as British Columbia, the possession of which, after the acquisition of Alaska, would have given to the United States the continuous frontage on the Pacific Ocean from the south line of California to Behring's Straits. Looking northward for territory, instead of southward, was a radical change of policy in the conduct of the Government, — a policy which, happily and appropriately, it was the good fortune of Mr. Seward to initiate under impressive and significant circumstances.

CHAPTER XIV.

Impeachment of President Johnson. — First Movement thereto. — Mr. Ashley's Grave Charges. — General Grant's Important Testimony. — Judiciary Committee divide. — Impeachment defeated, December, 1867 — Analysis of Vote. — Suspension of Mr. Stanton. — Tenure-of-Office Law. — Senate disapproves Mr. Stanton's Suspension. — Mr. Stanton restored as Secretary of War. — An Unwelcome Cabinet Officer. — Previous Views of Leading Senators. — President's Anomalous Situation. — He removes Mr. Stanton. — Appoints Lorenzo Thomas *Ad Interim*. — Senate condemns the President's Course. — Impeachment moved in the House. — Exciting Debate. — Impeachment carried. — Managers appointed. — Articles of Impeachment presented to the Senate. — Thomas Ewing nominated for Secretary of War. — Not confirmed. — Court of Impeachment. — The Chief Justice. — The President's Counsel. — Judge Curtis. — Mr. Evarts. — Mr. Groesbeck. — The President's Answer. — General Butler's Argument. — Testimony presented by Managers. — Argument of Judge Curtis. — The President's Witnesses. — Rejection of Testimony by Senate. — Testimony concluded. — Argument of General Logan. — Of Mr. Boutwell. — Of Mr. Nelson. — Of Mr. Groesbeck. — Of Thaddeus Stevens. — Of Thomas Williams. — Of Mr. Evarts. — Of Mr. Stanbery. — Of Mr. Bingham. — Twenty-nine Senators file their Opinions. — First Vote on Last Article. — General Interest and Excitement. — The Result. — Acquittal of President. — Views of Republicans. — Condemnation of Certain Senators. — Subsequent Change of Opinion. — The President Unwisely Impeached. — Actual Offences of the President. — Their Gravity. — Impeached on other Grounds. — The Real Test. — Nature of an Impeachable Offense. — Lawyers differ. — Effect on Mr. Stanton. — His Political Attitude. — His Resignation. — Appointed Supreme Justice. — His Death. — General Schofield Secretary of War. — Mr. Evarts Attorney-General.

AS the result of the great victory over the President in the political contest of 1866, and of his stubborn maintenance of a hostile attitude, the ardent and extreme men of the Republican party began, in the autumn of that year, to discuss the propriety of ending the whole struggle by impeaching Mr. Johnson and removing him from office. They believed that his contumacious and obstinate course constituted a high crime and misdemeanor, and the idea of Impeachment, as soon as suggested, took deep root in minds of a certain type. When Congress came together in December the agitation increased; and on the 7th of January (1867), directly after the

holidays, two Missouri representatives (Loan and Kelso) attempted in turn to introduce resolutions in the House proposing an Impeachment, but each was prevented by some parliamentary obstruction. At a later hour of the same day Mr. James M. Ashley of Ohio rose to a question of privilege and formally impeached the President of high crimes and misdemeanors. "I charge him," said Mr. Ashley, "with an usurpation of power and violation of law: in that he has corruptly used the appointing power; in that he has corruptly used the pardoning power; in that he has corruptly used the veto power; in that he has corruptly disposed of the public property of the United States; in that he has corruptly interfered in elections and committed acts which in contemplation of the Constitution are high crimes and misdemeanors."

Mr. Ashley's charges were very grave, but they created slight impression upon the House and did not alarm the country. Every one present felt that they were gross exaggerations and distortions of fact, and could not be sustained by legal evidence or indeed by reputable testimony of any kind. They were however referred in due form to the Judiciary Committee, with full power to send for persons and papers, to administer the customary oath to witnesses, and to make in all respects a thorough investigation. Nothing was heard from the committee until the 2d of March, when on the eve of the expiration of Congress they reported that many documents had been collected, a large number of witnesses examined, and every practicable thing done to reach a conclusion of the case; but that not having fully examined all the charges preferred against the President, they did not deem it expedient to submit any conclusion beyond the statement that sufficient testimony had been brought to the committee's notice to justify and demand a further prosecution of the investigation. They therefore passed the testimony they had taken into the custody of the Clerk of the House, as a notification to the succeeding Congress that inquiry into the matter should be pursued. The report was made by Mr. James F. Wilson of Iowa, chairman of the committee, and concurred in by all the Republican members. Mr. Rogers, a Democratic member from New Jersey, made a minority report, stating that he had carefully examined all the testimony in the case; that there was not one particle of evidence to sustain any of the charges which had been made; that the case was entirely void of proof; and that most of the testimony taken was of a secondary character, such as could not be admitted

in any court of justice. He objected to continuing the subject and thereby keeping the country in a feverish state. No action was taken by the House except to lay both reports upon the table.

There was on the part of conservative Republicans a sincere hope that nothing more would be heard of the Impeachment question. If a committee industriously at work for sixty days could find nothing on which to found charges against the President, they thought that wisdom suggested the abandonment of the investigation. But Mr. Ashley, with his well-known persistency, was determined to pursue it; and on the 7th of March, the third day after the new Congress was organized, he introduced a resolution directing the Judiciary Committee to continue the investigation under the same instructions as in the preceding Congress, with the additional power to sit during the recess. Mr. Ashley expressed the hope that "this Congress will not hesitate to do its duty because the timid in our own ranks hesitate, but will proceed to the discharge of the high and important trust imposed upon it, uninfluenced by passion and unawed by fear." He was answered with indignation by Mr. Brooks and Mr. Fernando Wood of New York, and the question becoming a party issue Mr. Ashley's resolution was carried without a division after an ineffectual attempt to lay it on the table, — a motion which was sustained by only thirty-two votes. The committee proceeded in their work during the recess of Congress, and reported the testimony on the 25th of the ensuing November (1867).

Some ninety-five witnesses had been examined, and the report of testimony covered twelve hundred octavo pages. Much of the evidence seemed irrelevant, and that which bore directly upon the question of the President's offenses fell far below the serious character assigned to it by previous rumors. This was especially true in regard to the testimony given by General Grant. There were secret and ominous intimations that General Grant had been approached by the President with the view of ascertaining whether, if it should be determined to constitute a Congress of Democratic members from the North and rebel members from the South (leaving the Republicans to come in or stay out as they might choose), the Army could be relied upon to sustain such a movement. There is no doubt that many earnest Republicans were so impressed by the perverse course of President Johnson that they came to believe him capable of any atrocious act. They gave credulous ear, therefore, to these extravagant rumors; and in the end they succeeded

in making a deep impression upon the minds of certain members of the Committee charged with the investigation into the President's official conduct.

The persons who were giving currency to these rumors never seemed to realize that General Grant, with his loyalty, his patriotism, and his high sense of personal and official honor, could not for a moment have even so much as listened to a proposition which involved an attack upon the legitimacy of the Congress of the United States, and practically contemplated its overthrow through means not different from those by which Cromwell closed the sessions of the Long Parliament. Nothing can be more certain than the fact that if President Johnson had ever made such an intimation to General Grant, it would have been at once exposed and denounced with a soldier's directness; and the President would have been promptly impeached for an offense in which his guilt would not have been doubtful.

It was not surprising, therefore, that by General Grant's testimony[1] the entire charge was dissipated into thin air, and proved to

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[1] The following is General Grant's testimony in full, touching the point referred to. It was given under oath before the Judiciary Committee on the 18th of July, 1867.

MR. BOUTWELL: "Have you at any time heard the President make any remark in reference to admission of members of Congress from the rebel States into either House?"

GENERAL GRANT: "I cannot say positively what I have heard him say on the subject. I have heard him say as much, perhaps, in his published speeches last summer, as I ever heard him say at all upon that subject. I have heard him say — and I think I have heard him say it twice in his speeches — that if the North carried the elections by members enough to give them, with the Southern members, a majority, why would they not be the Congress of the United States? I have heard him say that several times."

MR. THOMAS WILLIAMS: "When you say 'the North,' you mean the Democratic party of the North; or, in other words, the party favoring his policy?"

GENERAL GRANT: "I mean if the North carried enough members in favor of the admission of the South. I did not hear him say that he would recognize them as the Congress. I merely heard him ask the question, 'Why would they not be the Congress?'"

MR. JAMES F. WILSON: "When did you hear him say that?"

GENERAL GRANT: "I heard him say that in one or two of his speeches. I do not recollect where."

MR. BOUTWELL: "Have you heard him make a remark kindred to that elsewhere?"

GENERAL GRANT: "Yes; I have heard him say that, aside from his speeches, in conversation. I cannot say just when: it was probably about that same time."

MR. BOUTWELL: "Have you heard him at any time make any remark or suggestion concerning the legality of Congress with the Southern members excluded?"

GENERAL GRANT: "He alluded to that subject frequently on his tour to Chicago and back last summer. His speeches were generally reported with considerable accu-

be only one of the thousand baseless rumors which in that exciting period were constantly filling the political atmosphere. It was perhaps the intention of the Committee in examining General Grant on this point, to give him an opportunity in an official report to stamp the current rumors as utterly false. It can hardly be possible that a single member of the Committee believed that General Grant had silently received from the President a deliberate proposition to revolutionize the Government. When the essential truth of the matter was reached, it was found that General Grant had never heard any thing from the President, on the question of organizing Congress, at all different from the premises he had assumed in the series of disreputable speeches delivered by him in his extraordinary tour through the country the preceding year.

There was a marked divergence of views in the recommendations from the Judiciary Committee. The majority, Messrs. George S. Boutwell of Massachusetts, Francis Thomas of Maryland, Thomas Williams of Pennsylvania, William Lawrence of Ohio, and John C. Churchill of New York, reported a resolution directing that "Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors." Mr. Wilson of Iowa, and Mr. Frederic Woodbridge of Vermont, submitted a minority report, with a resolution directing that "the Committee on the Judiciary be discharged from the further consideration of the proposed Impeachment of the President of the United States, and that the subject be laid upon the table." The two Democratic members of the committee, Mr. Marshall of Illinois and Mr. Eldridge of Wisconsin, while agreeing with the resolution submitted by Mr. Wilson, desired to express certain views from the Democratic stand-point. They therefore submitted a separate report, reviewing the entire proceeding in language more caustic than Mr. Wilson and Mr. Woodbridge had seen fit to employ.

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racy. I cannot recollect what he said, except in general terms; but I read his speeches at the time, and they were reported with considerable accuracy."

MR. BOUTWELL: "Did you hear him say any thing in private on that subject, either during that trip or at any other time?"

GENERAL GRANT: "I do not recollect specially."

MR. BOUTWELL: "Did you at any time hear him make any remark concerning the Executive Department of the Government?"

GENERAL GRANT: "No: I never heard him allude to that."

MR. BOUTWELL: "Did you ever hear him make any remark looking to any controversy between Congress and the Executive?"

GENERAL GRANT: "I think not."

The effect of Mr. Boutwell's report was seriously impaired by the fact that the chairman of the committee and another Republican member had refused to concur, and it was at once evident from the position in which this division left the question, that the House would not sustain an Impeachment upon the testimony submitted. By an arrangement to which only a few members objected, the discussion of the reports was confined to two speeches, one by Mr. Boutwell and one by Mr. Wilson. Mr. Boutwell's was delivered on the 5th and 6th of December, and Mr. Wilson's reply immediately after Mr. Boutwell had concluded on the second day. Both speeches were able and positive, holding the attention of members in a marked and exceptional degree. A large majority of the House desired the vote to be taken as soon as Mr. Wilson had concluded; but some dilatory motions kept off the decision until the succeeding day (December 7, 1867), when amid much excitement, and some display of angry feeling between members, the resolution calling for the impeachment of the President was defeated by an overwhelming majority, — *ayes* 57, *noes* 108.[1] The affirmative vote was composed entirely of Republicans, but a larger number of Republicans were

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[1] The following is the vote of the House, in detail, on the first Impeachment resolution. Republicans are given in Roman; Democrats in Italic: —

AYES. — Messrs. Anderson, Arnell, James M. Ashley, Boutwell, Bromwell, Broomall, Butler, Churchill, Reader W. Clarke, Sidney Clarke, Cobb, Coburn, Covode, Cullom, Donnelly, Eckley, Ela, Farnsworth, Gravely, Harding, Higby, Hopkins, Hunter, Judd, Julian, Kelley, Kelsey, William Lawrence, Loan, Logan, Loughridge, Lynch, Maynard, McClurg, Mercur, Mullins, Myers, Newcomb, Nunn, O'Neill, Orth, Paine, Pile, Price, Schenck, Shanks, Aaron F. Stevens, Thaddeus Stevens, Stokes, Thomas, John Trimble, Trowbridge, Robert T. Van Horn, Ward, Thomas Williams, William Williams, and Stephen F. Wilson — 57.

NOES. — Messrs. *Adams*, Allison, Ames, *Archer*, Delos R. Ashley, *Axtell*, Bailey, Baker, Baldwin, Banks, *Barnum*, Beaman, *Beck*, Benjamin, Benton, Bingham, Blaine, *Boyer*, *Brooks*, Buckland, *Burr*, *Cary*, *Chanler*, Cook, Dawes, Dixon, Dodge, Driggs, Eggleston, *Eldridge*, Eliot, Ferriss, Ferry, Fields, Garfield, *Getz*, *Glossbrenner*, *Golladay*, Griswold, *Grover*, *Haight*, Halsey, Hamilton, Hawkins, Hill, *Holman*, Hooper, *Hotchkiss*, Asahel W. Hubbard, Chester D. Hubbard, *Richard D. Hubbard*, Hulburd, *Humphrey*, Ingersoll, *Johnson*, *Jones*, *Kerr*, Ketcham, *Knott*, Koontz, Latlin, George V. Lawrence, Lincoln, *Marshall*, Marvin, McCarthy, *McCullough*, Miller, Moorhead, *Morgan*, *Mungen*, *Niblack*, *Nicholson*, Perham, Peters, *Phelps*, Pike, Plants, Poland, Polsley, *Pruyn*, *Randall*, Robertson, *Robinson*, *Ross*, Sawyer, *Sitgreaves*, Smith, Spalding, Starkweather, *Stewart*, *Stone*, *Taber*, Taylor, Upson, Van Aernam, *Van Aucken*, *Van Trump*, Van Wyck, Cadwalader C. Washburn, Elihu B. Washburne, Henry D. Washburn, William B. Washburn, Welker, James F Wilson, John T. Wilson, Woodbridge, and *Woodward* — 108.

ABSENT OR NOT VOTING. — Messrs. *Barnes*, Blair, Cake, Cornell, Finney, *Fox*, Jenckes, Kitchen, Mallory, Moore, Morrell, *Morrissey*, Pomeroy, Raum, Scofield, Selye, Shellabarger, Taffe, Twichell, Burt Van Horn, Windom, and *Wood* — 22.

included in the negative; so that apart from any action of the Democratic party the advocates of Impeachment were in the minority.

By this decisive vote the project of impeaching the President was in the public belief finally defeated. But those best acquainted with the earnestness of purpose and the determination of the leading men, who had persuaded themselves that the safety of the Republic depended upon the destruction of Johnson's official power, knew that the closest watch would be kept upon every action of the President, and if an apparently justifying cause could be found the project of his removal would be vigorously renewed. It is difficult to understand the intensity of conviction which had taken possession of certain minds on this subject — difficult to understand why the same causes and the same reasons which operated so powerfully on certain Republicans in favor of Impeachment, should prove so utterly inadequate to affect others. Why should Mr. Boutwell be so decidedly on one side and Mr. Dawes with equal firmness on the other? Why should General Schenck and William Lawrence vote for Impeachment and General Garfield and John A. Bingham against it? Why should Thaddeus Stevens and Judge Kelley vote in the affirmative and the four Washburns in the negative?

Geographically there was a traceable division in the vote. In New England, usually so radical, only five members favored Impeachment. New York gave but two votes for it and Pennsylvania gave but six. The large majority of those who exhibited such an earnest desire to force the issue to extremes came from the West, but even in that section the Republicans who opposed it were nearly equal in number to those who favored it. The vote led to no little recrimination inside the ranks of the party — each side regarding the other as pursuing an unwise and unjustifiable course. The advocates of Impeachment were denounced as rash, hot-headed, sensational, bent on leading the party into an indefensible position; while its opponents were spoken of as faint-hearted, as truckling to the Administration, as afraid to strike the one blow imperatively demanded for the safety of the Republic. But outside of this quarrel of partisans the great mass of quiet citizens, and more especially the manufacturing, commercial, and financial communities, were profoundly grateful that the country was not, as they now believed, to be disturbed by a violent effort to deprive the President of his great office.

The prophets of Peace were disappointed in their hopes and their predictions. A train of circumstances, not unnaturally growing out of the political situation, led in the ensuing month to the renewal of the scheme of Impeachment because of the President's attempt to appoint a new Secretary of War. The President himself narrates what he had done to secure the resignation of Mr. Stanton: "I had come to the conclusion that the time had arrived when it was proper for Mr. Stanton to retire from my Cabinet. The mutual confidence and general accord which should exist in such a relation had ceased. I supposed that Mr. Stanton was well advised that his continuance in the Cabinet was contrary to my wishes, for I had repeatedly given him to so understand by every mode short of an express request that he should resign." On the fifth day of August (1867) the President addressed Mr. Stanton a brief note in these words: "Public considerations of a high character constrain me to say that your resignation as Secretary of War will be accepted." Mr. Stanton replied immediately, acknowledging the receipt of the letter and adding: "I have the honor to say that public considerations of a high character, which alone have induced me to continue at the head of this Department, constrain me not to resign the Secretaryship of War before the next meeting of Congress."

Not acting with angry haste, but reflecting for a week upon the situation resulting from Mr. Stanton's refusal to resign, the President on the 12th of August suspended him from the Secretaryship of War under the power conferred by the Tenure-of-office Act, and added in a note to him: "You will at once transfer to General Ulysses S. Grant, who has this day been authorized and empowered to act as Secretary of War *ad interim*, all records, books, papers and other public property now in your custody and charge." Mr. Stanton replied to the President: "Under a sense of public duty I am compelled to deny your right under the Constitution and laws of the United States, without the advice and consent of the Senate and without legal cause, to suspend me from the office of Secretary of War, or the exercise of any of the functions pertaining to the same; but inasmuch as the General commanding the armies of the United States has been appointed *ad interim* and has notified me that he has accepted the appointment, I have no alternative but to submit, under protest, to superior force." It is evident that General Grant and his legal advisers saw no force in Mr. Stanton's denial of the President's power to suspend him from office. The

General's acceptance of the Secretaryship of War was plain proof that he recognized the President's course as entirely lawful and Constitutional. General Grant's willingness to succeed Mr. Stanton was displeasing to a certain class of Republicans, who thought he was thereby strengthening the position of the President; but the judgment of the more considerate was that as Mr. Johnson had determined in any event to remove Stanton, it was wise in General Grant to accept the trust and thus prevent it from falling into mischievous and designing hands.

By the provisions of the Tenure-of-office Law the President was under obligation to communicate the suspension to the Senate, with his reasons therefor, within twenty days after its next meeting. He did this in his message of the 12th of December (1867), in which he reviewed with much care the relations between himself and the Secretary of War. He certainly exhibited to an impartial judge, uninfluenced by personal or party motives, strong proof of the utter impossibility of Mr. Stanton and himself working together harmoniously in the administration of the Government. If the President of the United States has the right to Constitutional advisers who are personally agreeable to him and who share his personal confidence, then surely Mr. Johnson gave unanswerable proof that Mr. Stanton should not remain a member of his Cabinet. But the Senate was not influenced either by the general considerations affecting the case or by the special reasons submitted by the President. The question was not finally decided by the Senate until the 13th of January (1868), when by a party vote it was declared that "having considered the evidence and reasons given by the President in his report of December 12, 1867, for the suspension of Edwin M. Stanton from the office of Secretary of War, the Senate does not concur in such suspension." The Secretary of the Senate was instructed to send an official copy of the resolution to the President, to Mr. Stanton, and to General Grant.

Upon receipt of the resolution of the Senate, General Grant at once locked the door of the Secretary's office, handed the key to the Adjutant-General, left the War-Department building and resumed his post at Army Headquarters on the opposite side of the street. Secretary Stanton soon after took possession of his old office, as quietly and unceremoniously as if he had left it but an hour before. Perhaps with some desire to emphasize the change of situation, he dispatched a messenger to Headquarters to say in the

phrase of the ranking position that "the Secretary desires to see General Grant." General Grant did not like the way in which Mr. Stanton resumed control of the War Office. He did not think that he had been treated with the same courtesy which he had shown to Mr. Stanton when he succeeded him the preceding August. In fact, he had not expected, nor did he desire, the restoration of Mr. Stanton, and but for differences that arose between him and the President might have used his influence against Mr. Stanton's remaining. He had indeed warmly seconded a suggestion of General Sherman (who was then in Washington), made the day after Mr. Stanton's restoration, that the President should immediately nominate Governor Cox of Ohio for Secretary of War.

The President did not accept the suggestion respecting the name of Governor Cox. His chief purpose was to get rid of Mr. Stanton, and he did not believe the Senate would consent in any event to his removal. He expressed surprise that General Grant did not hold the office until the question of Mr. Stanton's Constitutional right to resume it could be judicially tested. A heated controversy ensued a fortnight later on this point, leading to the exchange of angry letters between the President and General Grant. Mr. Johnson alleged that the fair understanding was that General Grant should, by retaining his portfolio, aid in bringing the case before the Supreme Court of the United States. General Grant denied this with much warmth, declaring in a letter addressed to the President that the lat ter had made "many and gross misrepresentations concerning this subject." It was doubtless in the beginning a perfectly honest misapprehension between the two. General Grant had on a certain occasion remarked that "Mr. Stanton would have to appeal to the courts to re-instate him," and the President, hastily perhaps, but not unnaturally, assumed that by this language General Grant meant that he would himself aid in bringing the matter to judicial arbitrament. But the President ought to have seen and realized that such a step would be altogether foreign to the duty of the Commander of the Army, and that with General Grant's habitual prudence he never could have intended to provoke a controversy with Congress, and get himself entangled in the meshes of the Tenure-of-office Law. The wrath of both men was fully aroused, and the controversy closed by leaving them enemies for life — unreconciled, irreconcilable.

The severance of friendly relations between the President and

General Grant was not distasteful to the Republicans of the country. Indeed it had been earnestly desired by them. Many of those who were looking forward to General Grant's nomination as the Republican candidate for the Presidency in 1868, had been restless lest he might become too much identified with the President, and thus be held in some degree accountable for his policy. General Grant's report on the condition of the South in 1865 had displeased Republicans as much as it had pleased the President. He had created still further uneasiness in Republican ranks by accompanying the President in 1866 on his famous journey to Chicago, when he "swung around the circle." His acceptance of the War Office in 1867 as the successor to Mr. Stanton was naturally interpreted by many as a signal mark of confidence in the President. It was said by General Grant's nearest friends that in his position as the Commander of the Army he was bound in courtesy to comply with the President's requests; but others maintained that as these requests all lay outside his official duties, and were in fact political in their nature, he might decline to respond to them if he chose. It was in fact known to a few persons that General Grant had declined (though requested by the President) to accompany Minister Lewis D. Campbell to Mexico and hold an interview with the officials of the Juarez Government, in the autumn of 1866. The President, however, did not insist on General Grant's compliance with his request, and at the suggestion of the latter readily substituted Lieutenant-General Sherman, who went upon the mission, with results—according to his own narrative—more laughable than valuable. General Grant always believed that Mr. Seward had originated the suggestion, and had desired him to go upon the mission from some motives of his own not made fully apparent. The incident did not interfere with the kindly relations between the President and General Grant, as was shown by General Grant's acceptance of the War Office ten months after the Mexican Mission had come to its profitless conclusion.

From all the circumstances of the case, it is not difficult therefore to understand why the quarrel between the President and General Grant should be viewed with substantial satisfaction by the Republicans of the country. The National Convention of the party for 1868 had already been called, and it might be awkward for its members, while denouncing President Johnson in the platform, to be reminded that the candidate of their party was on terms of personal friendship with him, and had been so throughout his administration. Such a

fact would embarrass the canvass in many ways, and would dull the edge of partisan weapons already forged for the contest. General Grant as a Presidential candidate was likely to draw heavily on the Democratic voters of the Northern States, and Republicans felt assured that his quarrel with Johnson would cause no loss even in that direction. In every point of view, therefore, the political situation was satisfactory to the Republicans — the last possible suggestion of discontent with General Grant's expected nomination for the Presidency having been banished from the ranks of the party.

By the Senate's refusal to concur in the suspension of Secretary Stanton, a confidential adviser under the Constitution was forced upon the President against his earnest and repeated protest. This action appears the more extraordinary, because when the Tenure-of-office Bill was pending before the Senate, the expression of opinion on the part of the majority was against any attempt to compel the President to retain an unwelcome adviser. In fact the Senate voted by a large majority to except Cabinet officers from the operation of the law. The expressions of opinion by individual senators were very pointed on this question.

— Mr. Edmunds said it was "right and just that the Chief Executive of the Nation in selecting these named Secretaries, who, by law and by the practice of the country, and officers analogous to whom, by the practice of all other countries, are the confidential advisers of the Executive respecting the administration of all his Departments, should be persons who are personally agreeable to him and in whom he can place entire confidence and reliance; and whenever it should seem to him that the state of relations between him and any of them had become so as to render this relation of confidence and trust and personal esteem inharmonious, he should in such case be allowed to dispense with the services of that officer in vacation and have some other person act in his stead."

— Mr. Williams of Oregon sustained the position of Mr. Edmunds, but added: "I do not regard the exception as of any great practical consequence, because I suppose if the President and any head of Department should disagree so as to make their relations unpleasant, and the President should signify a desire that that head of Department should retire from the Cabinet, that would follow with-

out any positive act of removal on the part of the President. . . . It has seemed to me that if we revolutionize the practice of the Government in all other respects, we might let this power remain in the hands of the President of the United States; that we should not strip him of this power, which is one that it seems to me is necessary and reasonable that he should exercise."

— Mr. Fessenden said: "A man who is the head of a Department naturally wants the control of that Department. He wants to control all his subordinates. . . . In my judgment, in order to the good and proper administration of all the Departments, it is necessary that that power should exist in the head of it, and quite as necessary that the power should exist in the President with reference to the few men who are placed about him to share his counsel and to be his friends and agents."

— Mr. Sherman said: "If a Cabinet officer should attempt to hold his office for a moment beyond the time when he retains the entire confidence of the President, I would not vote to retain him, nor would I compel the President to have about him in these high positions a man whom he did not entirely trust both personally and politically. It would be unwise to require him to administer the Government without agents of his own choosing. . . . And if I supposed that either of these gentlemen was so wanting in manhood, in honor, as to hold his place after the politest intimation from the President of the United States that his services were no longer needed, I certainly, as a senator, would consent to his removal at any time, and so would we all."

Still more significant and conclusive was the action of both Senate and House on the final passage of the Tenure-of-office Act. That action was based upon the report of a conference committee, of which Mr. Sherman was chairman on the part of the Senate, and General Schenck on the part of the House. It will be remembered that the Senate had insisted that officers of the Cabinet should be excepted from the operation of the Tenure-of-office Act, and the House had insisted that they should not be excepted. A compromise was made by the conference committee, the result of which was thus explained to the Senate by Mr. Sherman: "In this case the committee of conference — I agreed to it, I confess, with some reluctance — came to the conclusion to qualify to some extent the power of removal over a Cabinet minister. We provide that a Cabinet minister shall hold his office, *not for a fixed term, not until the Senate shall con-*

sent to his removal, but as long as the power that appoints him holds the office." General Schenck, representing the original House amendment, said: "A compromise was made, by which a further amendment is added to this portion of the bill, so that the term of office of the heads of Departments *shall expire with the term of the President who appointed them*, allowing these heads of Departments one month longer." These were the well-considered explanations made to their respective branches by the chairmen of the committees that composed the conference. It was upon this uncontradicted, unqualified, universally admitted construction of the Bill that the House and Senate enacted it into a law.

It must not be forgotten that if the Senate had consented to the removal of Mr. Stanton, as was confidently anticipated from the expressions of opinion above quoted, no new Secretary could have been installed without the Senate's explicit consent, and that meanwhile the War Department would remain under the control of General Grant, in whose prudent and upright discharge of duty every senator had perfect confidence. The complaint of the President's friends, therefore, was that senators, while perfectly able to exclude from the control of the War Department a man in whom they had no confidence, demanded that the President should retain at the head of that Department an officer in whom he had no confidence. Hence it was that for the first time in the history of the United States, an officer distasteful to the President and personally distrusted and disliked by him was forced upon him as one of his confidential advisers in the administration of the Government. In the *prima facie* statement of this case the Senate was in the wrong. Upon the record of its votes and the expression of opinion by its own members, the Senate was in the wrong. The history of every preceding Administration and of every subsequent Administration of the Federal Government proves that the Senate was in the wrong.

The situation in which the President was left by this action was anomalous and embarrassing. One of the most important Departments of the Government — especially important at that era — was left under the control of a man with whom he did not even hold personal relations. If this could be done in one Department it could with equal justice be done in all, and the extraordinary spectacle would be presented of each Executive Department under the control of an officer, who in matters of personal feeling and in public policy was deadly hostile to the President of the United States.

Even those who insisted most warmly upon Mr. Stanton's being retained in his position, must have seen that such a course would contradict the theory of the National Constitution and be in direct contravention of the practice of the Federal Government. Every one could see that these circumstances had brought about an unnatural situation — a situation that must in some way be relieved. It presented a condition of affairs for which there was no precedent, and the wisest could not foresee to what end it might lead.

The issue was brought to a head by the President, who informed the Senate on the 21st of February (1868), that in the exercise of the power and authority vested in him by the Constitution of the United States, he had that day removed Mr. Stanton from office and designated the Adjutant-General of the Army — Lorenzo Thomas — as Secretary of War *ad interim*. The communication was received with great astonishment by the Senate and with loud expressions of indignation against the President. With short debate and with little delay the Senate passed a resolution declaring "that under the Constitution and laws of the United States, the President has no power to remove the Secretary of War and to designate any other officer to perform the duties of that office *ad interim*." The Senate could do nothing more than express and record this opinion, but it did that promptly, resentfully, almost passionately.

The House took up the matter in hot temper and in hot haste. A flagrant offense against the Constitution and the laws had, in the judgment of a majority of its members, been committed by the President. In defiance of the letter and spirit of the Tenure-of-office Act he had removed the Secretary of War from office. He had done this under circumstances of peculiar aggravation, because the Senate had passed upon all his reasons therefor when the question of Mr. Stanton's suspension was before that body; and if even the suspension was not justifiable, how very grave must be the offense of removing the Secretary from office! These views and the discussion to which they led engrossed the attention of the House as soon as it was known that the President had sent a message to the Senate communicating his action in regard to Mr. Stanton. The Senate had no sooner recorded its dissent from the Executive power of removal than Mr. Covode of Pennsylvania, on the same day, rose to a privileged question in the House and offered a resolution that "*Andrew Johnson, President of the United States, be impeached of high crimes and misdemeanors.*" The resolution was referred to the Com-

mittee on Reconstruction and the House adjourned. On the next day (February 22d) Mr. Stevens, chairman of the Reconstruction Committee, reported the resolution back to the House with the recommendation that it pass, suggesting that the question might immediately be taken without debate.

— Mr. Brooks of New York had hoped for time to prepare a minority report, but contented himself with a long speech earnestly protesting against the Impeachment. "Suppose," said he, "you succeed. You settle that hereafter a party having a sufficient majority in the House and the Senate can depose the President of the United States. You establish a precedent which all future parties in all time to come will look to. The curse of other countries, the curse of France, the curse of the South-American Republics, has been that they followed such a precedent as you call upon us to establish here to-day — the overthrow of their Executive, not by law, not by the Constitution, but by the irregular and arbitrary and revolutionary exercise of power, in order merely to obtain a temporary possession of the Government."

— Mr. Spalding of Ohio followed Mr. Brooks, earnestly supporting the Impeachment. There seemed to be an inordinate desire among gentlemen who had hitherto been conservative on the question, as well as among those who had been constantly in favor of Impeachment, to place themselves on record against the President.

— Mr. John A. Bingham said that "the President having criminally violated the Constitution and the laws, I propose for one to put him on trial."

— Mr. Farnsworth of Illinois declared that "no student of our Constitution, no citizen, can doubt that Andrew Johnson has been guilty of a flagrant violation of the Constitution, which is justly impeachable."

— Judge Kelley of Pennsylvania warned "those who have spoken on the other side to-day, that they had better exercise the privilege of revising their words, and that it will be well for others to pause before they speak in defense of the great criminal whom the American people arraign for thousands of crimes."

— General Logan, answering those who feared that Impeachment might lead to some form of revolution, said "that a country which in time of war and excitement can stand the assassination of so good and just a President as Abraham Lincoln, can and will stand the Impeachment of as bad a President as Andrew Johnson."

— Mr. Ingersoll of Illinois, in the course of his remarks sustaining Impeachment, read a telegram from Governor Oglesby, declaring his belief "that the people of Illinois demand the Impeachment of Andrew Johnson, and will heartily sustain such action by our Congress." Mr. Ingersoll declared that the telegram from the Governor of Illinois "is but the voice of the people of the whole country on this question. There have been grave doubts with regard to the policy and the right of impeaching the President upon the facts as presented heretofore, but at the present hour I know of no man who loves his country more than party who will not pronounce a verdict against the President. And, sir, I shall for one be grievously disappointed if, within ten days from this time, honest old Ben Wade (now President of the Senate) is not President of the United States."

The proceedings were carried far into the night, and their deep seriousness had been somewhat relieved by an amusing effort on the part of several Democratic members to have Washington's Farewell Address read in honor of the day. But they failed to accomplish it, because a resolution to that effect could not take precedence of the privileged subject which was holding the attention of the House. At a late hour Mr. Holman of Indiana, unable to secure the reading of the address, obtained leave to print it in connection with his remarks, and thus left in the columns of the *Globe* a somewhat striking contrast — on the one hand, the calm words of Washington counseling peace and good will among his countrymen, and warning them of the evils of party spirit; on the other, the exciting and inflammatory attempt to remove one of Washington's successors from office by impeaching him of high crimes and misdemeanors.

The hours of the intervening Sunday did not appease the temper or cool the ardor of the Republican representatives, now so evidently bent on impeaching the President. The House had adjourned on Saturday night to meet at ten o'clock Monday morning, with the declared intention on the part of the majority to force the resolution of Impeachment to a vote on that day. Mr. Ashley of Ohio opened the debate with a fierce attack upon the President, and was followed by Mr. Burton C. Cook of Illinois in a brief but pointed legal argument to prove that the President had violated the letter and spirit of the law.

— Mr. Julian of Indiana made a somewhat remarkable speech. "Is it not most fortunate," said he, "that this single act of lawlessness

has been evoked which so beautifully consolidates into a unit all the friends of the country in this House and throughout the nation? *It is true the removal of the Secretary of War is relatively a simple matter.* It is scarcely a peccadillo when considered beside the New-Orleans massacre and many other of the wholesale enormities of which he has been known to be guilty for many months past, *but I believe it would be regarded as scarcely sufficient ground for this proceeding if not considered in the light of far greater previous offenses.*"

— Mr. James F. Wilson of Iowa said: "I will vote for the pending resolution to the end that the law may be vindicated by the removal of an unworthy public servant from an official position, which he has dishonored by his perverse disregard of duty and his unjustifiable contempt for the supremacy of the law."

— General Butler, after a careful recital of the acts of the President, said: "For a tithe of these acts of usurpation, lawlessness and tyranny our fathers dissolved their connection with the government of King George; for less than this King James lost his throne, and King Charles lost his head; while we, the representatives of the people, adjudge only that there is probable cause shown why Andrew Johnson should be deprived of the office he has desecrated and the power he has abused, and if convicted by the court to which we shall send him, be forever incapable of filling that office — the ambition to be again nominated to which has been the moving spring of all these crimes."

— Mr. Washburne of Illinois said: "In my judgment the safety of the country, the cause of good government, the preservation of Constitutional right and public liberty, depend upon the prompt impeachment of the President of the United States."

— Mr. Woodward of Pennsylvania, a bitter anti-war Democrat, formerly Chief Justice of the Supreme Court of his State, protested earnestly against Impeachment, on the ground that all the States not being represented either in House or Senate, there was no competent branch to impeach and none to try an officer. "If I were the President's counselor," said he, "I would advise him, if you preferred Articles of Impeachment, to demur to your jurisdiction and to that of the Senate, and issue a proclamation giving you and all the world notice that while he held himself impeachable for misdemeanors in office before the Constitutional tribunal, he never would subject the office he holds in trust to the irregular, unconstitutional, and fragmentary bodies who propose to strip him of it."

— Mr. Boutwell spoke very earnestly and ably in favor of Impeachment. "I can but indicate," said he, "the plot in which the President is engaged. He desires first to get control of the War Department, in order that, as in 1861, the munitions of war, arms and material might be used for the purpose of enabling him to succeed in his aspirations to be President of the United States. He knew that if he could corrupt the leaders of the Army, if he could bend these men to his will, these ten States were in his control, and that he could send to the Democratic Convention, to be holden on the 4th of July next, men who would sustain his claim for the Presidency. Then, upon the allegation which he could well carry out and which no other man could make good, that with the Army and his influence among the rebels of the South, whom he had brought to his support by his previous violations of law, he could secure the electoral votes of those ten States by excluding the negroes whom we have enfranchised from all participation in the election. Succeeding in this, we were to be met next February with the electoral votes of those ten States given for himself as President of the United States. If by fortune, as was his hope, he should receive a sufficient number of votes in the North to make a majority, then, with the support of the Army which he had corrupted, he had determined to be inaugurated President of the United States at the hazard of civil war. To-day, sir, we escape from these evils and dangers."

— Mr. Kerr of Indiana, speaking for the Democrats, said: "I and those with whom I act in this House had no knowledge whatever of the purpose of the Executive to do the act for which the movement is again inaugurated for his deposition. We are therefore free in every sense to submit to the guidance alone of reason and duty."

Late in the afternoon Mr. Stevens rose to close the debate. He said: "In order to sustain Impeachment under our Constitution I do not hold that it is necessary to prove a crime as an indictable offense, or any act *malum in se*. I agree with the distinguished gentleman from Pennsylvania, on the other side of the House (Mr. Woodward), who holds this to be a purely political proceeding. It is needed as a remedy for malfeasance in office and to prevent the continuance thereof. Beyond that it is not intended as a punishment for past offenses or for future example." He made one of his peculiarly pungent speeches, which for some unexplained reason was scarcely less bitter on General Grant than upon President Johnson. The whole day's proceedings had been extraordinary. Never before had

so many members addressed the House on a single day. The speeches actually delivered and the speeches for which leave to print was given, fill more than two hundred columns of the *Congressional Globe*. When Mr. Stevens closed the debate, many members who still desired to be heard were cut off by the previous question.

The vote on the resolution impeaching the President resulted in *ayes* 126, *noes* 47, not voting 17.[1] Mr. Stevens immediately offered a resolution directing the "appointment of a committee of two members to appear at the bar of the Senate, and in the name of the House of Representatives and of the people of the United States to impeach Andrew Johnson, President of the United States, of high crimes and misdemeanors in office, and to acquaint the Senate that the House will in due time exhibit particular Articles of Impeachment against him and make good the same, and that the committee demand that the Senate take order for the appearance of Andrew Johnson to answer to said Impeachment." Mr. Stevens further moved that "a committee of seven be appointed to prepare and report Articles of Impeachment against Andrew Johnson, President of the United States, with power to send for persons and papers." The resolutions

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[1] The following is the vote of the House, in detail, on the second Impeachment resolution, February 24, 1868. Republicans are given in Roman; Democrats in Italic: —

AYES. — Messrs. Allison, Ames, Anderson, Arnell, Delos R. Ashley, James M. Ashley, Bailey, Baker, Baldwin, Banks, Beaman, Beatty, Benton, Bingham, Blaine, Blair, Boutwell, Bromwell, Broomall, Buckland, Butler, Cake, Churchill, Reader W. Clarke, Sidney Clarke, Cobb, Coburn, Cook, Cornell, Covode, Cullom, Dawes, Dodge, Driggs, Eckley, Eggleston, Eliot, Farnsworth, Ferriss, Ferry, Fields, Gravely, Griswold, Halsey, Harding, Higby, Hill, Hooper, Hopkins, Asahel W. Hubbard, Chester D. Hubbard, Hulburd, Hunter, Ingersoll, Jenckes, Judd, Julian, Kelley, Kelsey, Ketcham, Kitchen, Laflin, George V. Lawrence, William Lawrence, Lincoln, Loan, Logan, Loughridge, Lynch, Mallory, Marvin, McCarthy, McClurg, Mercur, Miller, Moore, Moorhead, Morrell, Mullins, Myers, Newcomb, Nunn, O'Neill, Orth, Paine, Perham, Peters, Pike, Pile, Plants, Poland, Polsley, Price, Raum, Robertson, Sawyer, Schenck, Scofield, Selye, Shanks, Smith, Spalding, Starkweather, Aaron F. Stevens, Thaddeus Stevens, Stokes, Taffe, Taylor, Trowbridge, Twichell, Upson, Van Aernam, Burt Van Horn, Van Wyck, Ward, Cadwalader C. Washburn, Elihu B. Washburne, William B. Washburn, Welker, Thomas Williams, James F. Wilson, John T. Wilson, Stephen F. Wilson, Windom, Woodbridge, and the Speaker — 126.

NOES. — *Messrs. Adams, Archer, Axtell, Barnes, Barnum, Beck, Boyer, Brooks, Burr, Cary, Chanler, Eldridge, Fox, Getz, Glossbrenner, Golladay, Grover, Haight, Holman, Hotchkiss, Richard D. Hubbard, Humphrey, Johnson, Jones, Kerr, Knott, Marshall, McCormick, McCullough, Morgan, Morrissey, Mungen, Niblack, Nicholson, Phelps, Pruyn, Randall, Ross, Sitgreaves, Stewart, Stone, Taber, Lawrence S. Trimble, Van Auken, Van Trump, Wood,* and *Woodward* — 47.

ABSENT OR NOT VOTING. — Messrs. Benjamin, Dixon, Donnelly, Ela, Finney, Garfield, Hawkins, Koontz, Maynard, Pomeroy, *Robinson*, Shellabarger, Thomas, John Trimble, Robert T. Van Horn, Henry D. Washburn, and William Williams — 17.

were adopted by a strict party vote. The Speaker appointed Mr. Stevens and Mr. Bingham the committee to notify the Senate of the impeachment of the President, and further appointed Mr. Boutwell, Mr. Stevens, Mr. Bingham, Mr. J. F. Wilson, Mr. Logan, Mr. Julian, and Mr. Hamilton Ward of New York, the committee to prepare Articles of Impeachment against the President.

Five days afterwards, on the 29th of February, Mr. Boutwell, chairman of the committee appointed to prepare Articles of Impeachment against the President, made his report. The Articles were debated with even greater manifestation of feeling than had appeared in the discussion on the resolution of Impeachment. They were adopted March 2d, by a party vote. The House then proceeded to elect managers of the Impeachment by ballot, and the following gentlemen were chosen (their names being given in the order of the number of votes which each received): John A. Bingham, George S. Boutwell, James F. Wilson, Benjamin F. Butler, Thomas Williams, John A. Logan, and Thaddeus Stevens. The votes for the several managers did not widely differ. The highest, 114, was given to Mr. Bingham; the lowest, 105, to Mr. Stevens. The latter was failing in health and was considered by many members unequal to the arduous work thus imposed on him. The Democrats presented no candidates and took no part in the election of managers.

The aggregate ability and legal learning of the Managers were everywhere conceded. Mr. Stevens in the period of his active practice held a very high rank at the bar of Pennsylvania. General Butler was in the profession of the law, as in all other relations, somewhat peculiar in his methods, but his intellectual force and his legal learning were recognized by his friends and his enemies — and he had a full quota of each. Mr. Bingham, Mr. Boutwell, Mr. Wilson, General Logan, and Mr. Williams represented the strength of the Republican party in the House. Each was well known at the bar of his State, and each was profoundly convinced of the necessity of convicting the President. The most earnest — if there was any difference in zeal among the Managers — were Mr. Boutwell and Mr. Williams. Mr. Boutwell, for a man of cool temperament, thoroughly honest mind, and sober judgment, had wrought himself into a singularly intense belief in the supreme necessity of removing the President; while Mr. Williams, who tended towards the radical side of all public questions, could not with patience hear any thing said against the wisdom and expediency of Impeachment. Mr.

Bingham and Mr. Wilson were the only Managers who on the first effort to impeach the President had voted in the negative.

President Johnson was well advised during this exciting period in Congress and betrayed no uneasiness. He was guarded against the folly of talking, which was his easily besetting sin, and he sought to fortify his position by promptly submitting a nomination for Secretary of War. On Saturday, February 22d, the day following the removal of Mr. Stanton, he sent to the Senate the name of Thomas Ewing (senior) of Ohio as his successor. The Senate had adjourned when the President's Secretary reached the Capitol, but the nomination was formally communicated on the following Monday. No name could have given better assurance of good intentions and upright conduct than that of Mr. Ewing. He was a man of lofty character, of great eminence in his profession of the law, and with wide and varied experience in public life. He had held high rank as a senator in the Augustan period of the Senate's learning and eloquence, and he had been one of the ablest members of the distinguished Cabinets organized by the only two Presidents elected by the Whig party. He had reached the ripe age of seventy-eight years but was still in complete possession of all his splendid faculties. He had voted for Mr. Lincoln at both elections, had been a warm supporter of the contest for the Union, and was represented by his own blood on many of the great battle-fields of the war. The Lieutenant-General of the army, with his illustrious record of service, second only to that of General Grant, was his son-in-law.

Of whatever deadly designs Mr. Johnson might be suspected, there was no man of intelligence in the United States willing to believe that Mr. Ewing could be tempted to do an unpatriotic act, to violate the Constitution, or to fail in executing with fidelity the laws of the land. If the President intended to corrupt the army, as charged by Mr. Boutwell, he had certainly chosen a singular co-laborer in the person of Mr. Ewing. Wild rumors had been in circulation that the President was determined to install General Thomas by military force, and to eject Mr. Stanton with violence from the War Office which he refused to surrender. The public uneasiness resulting from these sensational reports was in large degree allayed, when it was announced that the President had signified his desire that a grave and considerate man with long-established reputation for ability and probity should serve as Secretary of War. The surprise in the whole matter was that the President should have

selected Mr. Ewing, who, as was known to a few friends, had earnestly advised Mr. Johnson against removing Secretary Stanton.

The Senate however was in no mood to accept any nomination for the War Office from President Johnson. The issue was not whether Mr. Ewing was a judicious and trustworthy man for the vacancy, but whether any vacancy existed. If Mr. Johnson had removed or attempted to remove Mr. Stanton from office in an unlawful and unconstitutional manner, the Senate, in the judgment of those who were directing its action, would be only condoning his offense by consenting to the appointment of a successor. Mr. Johnson's right to nominate any one was denied, and when the name of Mr. Ewing was received it was known by all that a committee of Representatives might at any moment appear at the bar of the Senate to present an Impeachment against the President for unlawfully attempting to remove Mr. Stanton. The course of the Senate had been fully anticipated by the President and his advisers, and they had, in their own judgment at least, obtained an advantage before the public by so complete an abnegation of all partisan purposes as was implied in the offer to confide the direction of the War Department to Mr. Ewing.

The formal presentment of the charges against the President at the bar of the Senate, presided over by the Chief Justice of the United States, and sitting as a Court of Impeachment, was made on the fifth day of March (1868), when the House of Representatives, the grand inquest of the nation, attended the Managers as they came to the discharge of their solemn duty. Mr. Bingham, the chairman of the Managers, read the Articles of Impeachment against Andrew Johnson.[1] At the conclusion of the reading the Senate adjourned to the 13th, when the counsel of the President appeared and asked that forty days be allowed for the preparation of his answer to the charges. The time was regarded as unreasonably long, and the Senate voted to adjourn until the 23d of March, when it was expected that the President's counsel would present his answer. The President's cause was represented by an imposing array of ability and legal learning. The Attorney-General, Henry Stanbery, had from

[1] The Articles of Impeachment on which the Senate voted are given in full in Appendix C.

an impulse of chivalric devotion resigned his post for the purpose of defending his chief. His reputation as a lawyer was of the first rank in the West, where for nearly forty years he had been prominent in his profession. But though first named, on account of his personal and official relations with the President, he was not the leading counsel. The two men upon whom the success of the President's cause chiefly rested were Judge Curtis and Mr. Evarts.

Benjamin R. Curtis, when he appeared in the Impeachment case, was in the fullness of his powers, in the fifty-ninth year of his age. At forty-one he had been appointed to the Supreme Bench of the United States at the earnest request and warm recommendation of Mr. Webster, then Secretary of State. Mr. Webster is reported to have said that he had placed the people of Massachusetts under lasting obligation to him by inducing Governor Lincoln, in 1830, to appoint Lemuel Shaw Chief Justice of the Supreme Court of the State, a position which he honored and adorned for thirty years. Mr. Webster thought he was doing an equal service to the people of the entire Union when he induced the President to call Mr. Curtis to the Supreme Bench. But judicial life had not proved altogether agreeable to Judge Curtis, and after a remarkable and brilliant career of six years he resigned, in October, 1857, and returned to the practice of the law — his learning increased, his mind enriched and broadened by the grave national questions engaging the attention of the court during the period of his service. Thenceforward during his life no man at the bar of the United States held higher rank. He was entirely devoted to his profession. He had taken no interest in party strife, and with the exception of serving two sessions in the Massachusetts Legislature he had never held a political office. In arguing a cause his style was peculiarly felicitous, — simple, direct, clear. In the full maturity of his powers and with all the earnestness of his nature he engaged in the President's defense; and he brought to it a wealth of learning, a dignity of character, an impressiveness of speech, which attracted the admiration and respect of all who had the good fortune to hear his great argument.

William M. Evarts, who was associated with him, was nine years the junior of Mr. Curtis. He had followed his profession with equal devotion, and, like his illustrious colleague, had never been deflected from its pursuit by participation in the honors of political life. His career had been in the city of New York, where, against all the rivalry of the Metropolitan bar, he had risen so rapidly that at forty

years of age his victory of precedence was won and his high rank established. A signal tribute was paid to his legal ability and his character when, in the early stages of the civil war, the National Government sent him abroad on an important and delicate errand in connection with our international relations, — an errand which could be safely entrusted only to a great lawyer. As an advocate Mr. Evarts early became conspicuous, and, in the best sense, famous. But he is more than an advocate. He is an orator, — affluent in diction, graceful in manner, with all the rare and rich gifts which attract and enchain an audience. He possesses a remarkable combination of wit and humor, and has the happy faculty of using both effectively, without inflicting deadly wounds, without incurring hurtful enmities. Differing in temperament and in manner from Judge Curtis, the two seemed perfectly adapted for professional co-operation, and united they constituted an array of counsel as strong as could be found at the English-speaking bar.

It was expected that Judge Jeremiah S. Black would add his learning and ability to the President's counsel, but at the last moment before the trial began he withdrew, and his place was filled by William S. Groesbeck of Cincinnati. Mr. Groesbeck was favorably known to the country by his service as a Democratic representative in the Thirty-sixth Congress, but little had been heard of his legal learning outside of Ohio. He took no part in the conduct of the Impeachment case, but his final argument was a surprise to the Senate and to his professional brethren, and did much to give him a high reputation as a lawyer. — The counsel for the President was completed by the addition of a confidential friend from his own State, Hon. T. A. R. Nelson. Mr. Nelson had been closely associated with Mr. Johnson in the Tennessee struggles for the Union, had gained reputation as a representative in the Thirty-sixth Congress, and had acquired a good standing at the bar of his State.

The answer of the President to the Articles of Impeachment having been presented on the 23d, the replication of the House duly made, and all other preliminary and introductory steps completed, the actual trial began on Monday, the thirtieth day of March (1868), when General Butler, one of the Managers on behalf of the House of Representatives, made the opening argument. It was very voluminous, prepared with great care in writing, and read to the Senate from printed slips. It was accompanied by a brief of authorities upon the law of impeachable crimes and misdemeanors, prepared

by Hon. William Lawrence of Ohio with characteristic industry and learning. While every point in the charges preferred by the House was presented by General Butler with elaboration, the weight of his argument against the President lay in the fact that the removal of Mr. Stanton from the office of Secretary of War was, as he averred, an intentional violation of the Tenure-of-office Act, an intentional violation of the Constitution of the United States. This was set forth in every possible form, and argued in every possible phase, with the well-known ability of General Butler; and though other charges were presented against the President, the House of Representatives relied mainly upon this alleged offense for his conviction.

General Butler in his argument was evidently troubled by the proviso in the Tenure-of-office Act, that members of the Cabinet should hold their offices "during the term of the President by whom they may have been appointed, and for one month longer." He sought to anticipate his opponents' argument on this point. "By whom was Mr. Stanton appointed?" asked General Butler. "By Mr. Lincoln. Whose Presidential term was he holding under when the bullet of Booth became the proximate cause of this trial? Was not his appointment in full force at that hour? Had any act of President Johnson up to the twelfth day of August last vitiated or interfered with that appointment? Whose Presidential term is Mr. Johnson now serving out? His own or Mr. Lincoln's? If his own, he is entitled to four years up to the anniversary of the murder, because each Presidential term is four years by the Constitution, and the regular recurrence of those terms is fixed by the Act of May 8, 1792. If he is serving out the remainder of Mr. Lincoln's term, then his term of office expires on the 4th of March, 1869, if it does not before."

At the conclusion of General Butler's argument, the Managers submitted their testimony in support of the charges brought by the House. Some twenty-five witnesses in all were introduced by the prosecution. Many of them were merely for the verification of official papers which were submitted in evidence. The President's speeches defaming Congress were produced and sworn to by the reporters who took the notes when the President delivered them. The Managers concluded their testimony on the fourth day of April and the Senate took a recess for five days.

On the 9th of April Judge Curtis of the President's counsel opened for the defense. He had no labored introduction, but went

directly to his argument. He struck his first blow at the weak point in General Butler's strong speech. Judge Curtis said: "There is a question involved which enters deeply into the first eight Articles of Impeachment and materially touches two of the others; and to that question I desire in the first place to invite the attention of the court, namely, *whether Mr. Stanton's case comes under the Tenure-of-office Act?* . . . I must ask your attention therefore to the construction and application of the first section of that Act, as follows: 'that every person holding an official position to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein *otherwise provided*.' Then comes what is 'otherwise provided.' '*Provided* however that the Secretaries of the State, Treasury, War, Navy, and Interior Departments, the Postmaster-General and Attorney-General, shall hold their offices respectively *for and during the term of the President by whom they may have been appointed and for one month thereafter, subject to removal by and with the advice and consent of the Senate*.'

"The first inquiry which arises on this language," said Judge Curtis, "is as to the meaning of the words 'for and during the term of the President.' Mr. Stanton, as appears by the commission which has been put into the case by the honorable Managers, was appointed in January, 1862, during the first term of President Lincoln. Are these words, 'during the term of the President,' applicable to Mr. Stanton's case? That depends upon whether an expounder of this law judicially, who finds set down in it as a part of the descriptive words, '*during the term of the President*,' has any right to add '*and during any other term for which he may be afterwards elected*.' I respectfully submit no such judicial interpretation can be put on the words. Then if you please, take the next step. 'During the term of the President by whom he was appointed.' At the time when this order was issued for the removal of Mr. Stanton, was he holding during the term of the President by whom he was appointed? The honorable Managers say, Yes; because, as they say, Mr. Johnson is merely serving out the residue of Mr. Lincoln's term. But is that so under the provisions of the Constitution of the United States? . . . Although the President, like the Vice-President, is elected for a term of four years, and each is elected for the same

term, the President is not to hold his office absolutely during four years. The limit of four years is not an absolute limit. Death is a limit. A 'conditional limitation,' as the lawyers call it, is imposed on his tenure of office. And when the President dies his term of four years, for which he was elected and during which he was to hold provided he should so long live, terminates and the office devolves upon the Vice-President. For what period of time? *For the remainder of the term for which the Vice-President was elected.* And there is no more propriety, under these provisions of the Constitution of the United States, in calling the time during which Mr. Johnson holds the office of President, after it was devolved upon him, a part of Mr. Lincoln's term than there would be propriety in saying that one sovereign who succeeded another sovereign by death holds part of his predecessor's term."

Judge Curtis consumed two days in the delivery of his argument. He made a deep impression, not only on the members of the Senate but on all who had the privilege of hearing him. His manner was quiet and undemonstrative, with no gestures, and with no attempt at loud talk. His language expressed his meaning with precision. There was no deficiency and no redundancy. He seldom used a word more or a word less than was needed to give elegance to his diction, explicitness to his meaning, completeness to his logic. He analyzed every argument of the Impeachment with consummate skill. Those who dissented from his conclusions united with those who assented to them in praise of his masterly presentment of the President's defense.

After Judge Curtis had concluded, witnesses were called on behalf of the President. The struggle that followed for the admission or exclusion of testimony obviously strengthened the President's case in popular opinion, which is always influenced by considerations of what is deemed fair play. Exclusion of testimony by an arbitrary vote on mere technical objections, especially where men equally learned in the law differ as to its competency and relevancy, is not wise in a political case that depends for its ultimate judgment upon the sober thought of the people. Judge Curtis had maintained with cogent argument that the President was entitled to a judicial interpretation of the Tenure-of-office Law, and his associate counsel, Mr. Evarts, in the progress of the case made this proposition: —

"We offer to prove that the President at a meeting of the Cab-

inet while the bill was before him for his approval, laid the Tenure-of-office Bill before the Cabinet for their consideration and advice respecting his approval of the bill, and thereupon the members of the Cabinet then present gave their advice to the President that the bill was unconstitutional and should be returned to Congress with his objections, *and that the duty of preparing the message setting forth the objections to the constitutionality of the bill was devolved upon Mr. Seward and Mr. Stanton.*" The Managers of the House objected to the admission of the testimony and the question of its admissibility was argued at length by General Butler, by Judge Curtis, and by Mr. Evarts. Chief Justice Chase decided "that the testimony is admissible for the purpose of showing the intent with which the President has acted in this transaction." Mr. Howard of Michigan thereupon demanded that the question be submitted to the Senate, and by a vote of 29 to 20 the decision of the Chief Justice was overruled and the testimony excluded. This exclusion impressed the public most unfavorably.

Mr. Evarts offered further on behalf of the President, "to prove that at the meetings of the Cabinet, at which Mr. Stanton was present, held while the Tenure-of-office Bill was before the President for his approval, the advice of the Cabinet in regard to the same was asked by the President and given by the Cabinet, and thereupon the question whether Mr. Stanton and the other Secretaries who had received their appointment from Mr. Lincoln were within the restrictions upon the President's power of removal from office created by said Act, was considered, and the opinion was expressed that the Secretaries appointed by Mr. Lincoln were not within such restrictions." The Chief Justice decided "that this testimony is proper to be taken into consideration by the Senate sitting as a Court of Impeachment," whereupon Senator Drake of Missouri demanded that the question be submitted to the Senate, and by a vote of 26 to 22 the Chief Justice was again overruled and the testimony declared to be inadmissible.

On behalf of the President, Mr. Evarts then offered "to prove that at the Cabinet meetings between the passage of the Tenure-of-office Act and the order of the 21st of February, 1868, for the removal of Mr. Stanton, upon occasions when the condition of the public service was affected by the operation of that bill and it came up for consideration and advice by the Cabinet, it was considered by the President and the Cabinet that a proper regard for the

public service made it desirable that upon some proper case a judicial determination of the constitutionality of the law should be obtained." The Managers objected to the admission of the testimony, and the Chief Justice, apparently tired of having his decisions overruled, submitted the question at once to the Senate. By a vote of 30 to 19 the testimony was declared to be inadmissible. All the proffered testimony on these several points was excluded while the Hon. Gideon Welles, Secretary of the Navy, was on the stand. He was to be the first witness to substantiate the offer of proof which the President's counsel had made; to be corroborated, if need be, by other members of the Cabinet — possibly by Mr. Stanton himself.

The testimony on both sides having been concluded, on the 22d of April General John A. Logan, one of the Managers on the part of the House of Representatives, filed his argument in the case. It was carefully prepared, well written, and throughout logical in its analysis. It was uncompromisingly pungent in tone and severe in its method of dealing with President Johnson. "The world," said General Logan, "in after times will read the history of the Administration of Andrew Johnson as an illustration of the depth to which political and official perfidy can descend. His great aim and purpose has been to subvert law, usurp authority, insult and outrage Congress, reconstruct the rebel States in the interest of treason, and insult the memories and resting-places of our heroic dead."

Mr. Boutwell on the two succeeding days made a strong arraignment of the President. Indeed he made all that well could be made out of the charges preferred by the House. He exhibited throughout his address the earnestness and the eloquence which come from intense conviction. He believed that the President had committed high crimes and misdemeanors, and he believed that the safety of the Republic required his removal from office. With this belief his argument was of course impressive. "The House of Representatives," said he in closing, "have presented this criminal at your bar with equal confidence in his guilt and in your disposition to administer exact justice between him and the people of the United States. I do not contemplate his acquittal: it is impossible. Therefore I do not look beyond; but, senators, the people of the United States of America will never permit an usurping Executive to break down the securities for liberty provided in the Constitution. The cause of the Republic is in your hands. Your verdict of *Guilty* is PEACE to our beloved country." Mr. Nelson of Tennessee followed Mr. Boutwell

with a long and earnest plea in behalf of the President, somewhat effusive in its character but distinguished for the enthusiasm with which he defended his personal friend.

Mr. Groesbeck next addressed the Senate on behalf of the President. He made a clear, forcible presentation of the grounds of defense. Mr. Boutwell had asserted "that the President cannot prove or plead the motive by which he professes to have been governed in his violation of the laws of the country. . . . The necessary, the inevitable presumption in law is that he acted under the influence of bad motives in so doing, and no evidence can be introduced controlling or coloring in any degree this necessary presumption of the law." In reviewing this position, Mr. Groesbeck reminded the Senate that President Lincoln had "claimed and exercised the power of organizing military commissions under which he arrested and imprisoned citizens within the loyal States. He had no Act of Congress warranting it, and the Supreme Court has decided that the act was against the express provisions of the Constitution. According to the gentleman on the other side, then, Mr. Lincoln must be convicted. . . . The gentleman seems to acknowledge that there must be a motive. There can be no crime without motive; but when the party comes forward and offers to prove his motive, the answer is, 'You shall not prove it.' When he comes forward and offers to prove it from his warm, living heart, the answer is, 'We will make up your motive out of the presumptions of law and conclude you upon that subject. We will not hear you.'"

Mr. Boutwell renewed with vigor the argument that the exception made in the Tenure-of-office Act, in regard to members of the Cabinet, did not give the President power to remove Mr. Stanton. "We maintain," said Mr. Boutwell, "that Mr. Stanton was holding the office of Secretary of War for and in the term of President Lincoln, by whom he had been appointed. . . . It was not a new office: it was not a new term. Mr. Johnson succeeded to Mr. Lincoln's office and for the remainder of Mr. Lincoln's term of office. He is serving out Mr. Lincoln's term as President."

Mr. Groesbeck's reply on this point was effective: "The gentleman has said this is Mr. Lincoln's term. The dead have no ownership in offices or estate of any kind. Mr. Johnson is President of the United States with a term, and this is his term. *But it would make no difference if Mr. Lincoln were living to-day. If Mr. Lincoln were the President to-day he could remove Mr. Stanton. Mr. Lincoln*

would not have appointed him during this term. It was during Mr. Lincoln's first term that Mr. Stanton received his appointment, and not this term; and an appointment by a President during one term, by the operation of this law, will not extend the appointee during another term because that same party may happen to be re-elected to the Presidency. Mr. Stanton therefore holds under his commission and not under the law."

Mr. Thaddeus Stevens attempted to address the Senate, but he found himself too much exhausted and handed his manuscript to General Butler, who read it to the Senate. The argument had many of the significant features of Mr. Stevens's style, but lacked the vigor which in the day of his strength he had always shown. He was rapidly failing in health and was then within a few weeks of his death. Hon. Thomas Williams of Pennsylvania followed Mr. Stevens with a written argument, rhetorically finished and read with great emphasis. It presented in new and attractive form the arguments already submitted, but towards the close contained the imprudent expression that "the eyes of an expectant people are upon the Senate."

Mr. Evarts followed with an argument of great length, reviewing every phase and feature of the case and making a remarkably effective plea on behalf of his eminent client. It was as strong in its logic as it was faultless in its style. The concluding portion of the address was especially eloquent and convincing. "We never dreamed," said he, "that an instructed and equal people, with a government yielding so readily to the touch of popular will, would have come to the trial of force against it. We never thought that the remedy to get rid of a ruler would bring assassination into our political experience. We never thought that political differences under an elective Presidency would bring in array the departments of the Government against one another to anticipate by ten months the operation of the regular election. And yet we take them all, one after another, and we take them because we have grown to the full vigor of manhood. But we have met by the powers of the Constitution these great dangers — prophesied when they would arise as likely to be our doom — the distractions of civil strife, the exhaustions of powerful war, the intervention of the regularity of power through the violence of assassination. We could summon from the people a million of men and inexhaustible treasure to help the Constitution in its time of need. Can we summon now resources enough of civil prudence

and of restraint of passion to carry us through this trial, so that whatever result may follow, in whatever form, the people may feel that the Constitution has received no wound? To this court, the last and best resort for its determination, it is to be left."

Mr. Stanbery, unable to deliver his well-prepared argument, employed one of the officers of the Attorney-General's department to read the greater part of it. During his service as Attorney-General he had become personally and deeply attached to the President, and now made an earnest plea in his behalf. "During the eighty years of our political existence," said Mr. Stanbery, "we have witnessed the fiercest contests of party. . . . A favorite legislative policy has more than once been defeated by the obstinate and determined resistance of the President, upon some of the gravest and most important questions we have ever had or are ever likely to have. The Presidential policy and the legislative policy have stood in direct antagonism. During all that time this fearful power of Impeachment was in the hands of the legislative department, and more than once a resort to it has been advised by extreme party men, as a sure remedy for party purposes; but happily that evil hitherto has not come upon us."

Hon. John A. Bingham summed up the case on behalf of the House and reviewed all the charges against the President, answering point by point the argument of his counsel. "I ask you, senators," said Mr. Bingham, "how long men would deliberate upon the question whether a private citizen, arraigned at the bar of one of your tribunals of justice for criminal violation of law, should be permitted to interpose a plea in justification of his criminal act that his only purpose was to interpret the Constitution and laws for himself, that he violated the law in the exercise of his prerogative to test its validity hereafter, at such day as might suit his own convenience, in the courts of justice. Surely, senators, it is as competent for the private citizen to interpose such justification in answer to crime as it is for the President of the United States to interpose it, and for the simple reason that the Constitution is no respecter of persons, and vests neither in the President nor in the private citizen judicial power. . . . For the Senate to sustain any such plea would in my judgment be a gross violation of the already violated Constitution and laws of a free people."

When the counsel on both sides had finished, a certain period was allowed for senators to prepare and file their opinions on the

case. This was done by twenty-nine senators[1] and the question was thus re-argued with consummate ability, for the Senate contained a number of lawyers of high rank and long experience at the bar. On the 11th of May the Senate was ready to vote, and the interest in the result was intense. There had been much speculation as to the position of certain senators, but as all the members of the body had maintained discreet silence during the trial, it was impossible to forecast the result with any degree of certainty. The only judgment that had the least significance was founded on the votes given to admit or to reject certain testimony proposed by the President's counsel. This of course gave no certain indication of the vote of senators; though the general belief was that the Impeachment would fail. The transfer of the entire House to the floor of the Senate, the galleries crowded with citizens from all parts of the Republic, the presence of all the foreign ministers in the Diplomatic Gallery eagerly watching the possible and peaceful deposition of a sovereign ruler, the large attendance of the representatives of the press,—all attested the profound impression which the trial had made and the intense anxiety with which its conclusion was awaited.

By an order of the Senate the first vote was taken on the last Article, which was a summary of many of the charges set forth at greater length in some of the preceding Articles of Impeachment. Upon the call of his name each senator was required to rise and answer "Guilty" or "Not guilty." The roll was called in breathless silence, with hundreds of tally-papers in the hands of eager observers on the floor and in the gallery, carefully noting each response as given. The result, announced at once by the Chief Justice, showed that *thirty-five* senators had declared the President "*guilty*" and *nineteen* had declared him "*not guilty.*"[2] As conviction required two-

[1] The following senators filed opinions :—

Messrs. Ferry of Connecticut, Trumbull and Yates of Illinois, *Hendricks* of Indiana, Grimes and Harlan of Iowa, Pomeroy of Kansas, *Davis* of Kentucky, Fessenden and Morrill of Maine, *Johnson* and *Vickers* of Maryland, Sumner and Wilson of Massachusetts, Howard of Michigan, Henderson of Missouri, Tipton of Nebraska, Stewart of Nevada, Patterson of New Hampshire, Frelinghuysen and Cattell of New Jersey, Sherman of Ohio, Williams of Oregon, *Buckalew* of Pennsylvania, Edmunds and Morrill of Vermont, Van Winkle of West Virginia, Howe and DOOLITTLE of Wisconsin.

[2] The following is the vote of the Senate in detail. Republicans are given in Roman, Democrats in Italic, Administration Republicans in small capitals. Every senator was present and voted.

GUILTY. — Messrs. Anthony of Rhode Island, Cameron of Pennsylvania, Cattell of New Jersey, Chandler of Michigan, Cole of California, Conkling of New York, Conness of California, Corbett of Oregon, Cragin of New Hampshire, Drake of Missouri, Ed-

thirds the Impeachment on the Eleventh Article had failed. A debate then arose on a proposition to rescind the resolution in regard to the order in which the vote should be taken upon the other Articles of Impeachment, but without reaching a conclusion, the Senate as a Court of Impeachment adjourned, on motion of Mr. Cameron of Pennsylvania, until Tuesday the 26th day of May.

During the intervening period of fifteen days the air was filled with rumors that the result would be different when the Senate should come to vote on the remaining Articles. A single senator changing against the President would give *thirty-six* for conviction, and leave only *eighteen* for acquittal. This would be fatal to the President, as it would give the two-thirds necessary for conviction. But it was not so ordained. When the Senate re-assembled on the 26th, the vote was taken on the Second Article, and then upon the Third, with precisely the same result as was previously reached on the Eleventh Article. When Mr. Ross of Kansas answered "*Not guilty*," there was an audible sensation of relief on the part of some, and of surprise on the part of others, showing quite plainly that rumor had been busy with his name as that of the senator who was expected to change his position. Satisfied that further voting was useless, the Senate abandoned the remaining Articles, and as a Court of Impeachment adjourned *sine die*.

The great trial was over, and the President retained his high office. In the ranks of the more radical portion of the Republican party there was an outbreak of indignation against the Republican senators who had voted "*Not guilty*." In the exaggerated denunciation caused by the anger and chagrin of the moment, great injustice

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munds of Vermont, Ferry of Connecticut, Frelinghuysen of New Jersey, Harlan of Iowa, Howard of Michigan, Howe of Wisconsin, Morgan of New York, Morrill of Maine, Morrill of Vermont, Morton of Indiana, Nye of Nevada, Patterson of New Hampshire, Pomeroy of Kansas, Ramsey of Minnesota, Sherman of Ohio, Sprague of Rhode Island, Stewart of Nevada, Sumner of Massachusetts, Thayer of Nebraska, Tipton of Nebraska, Wade of Ohio, Willey of West Virginia, Williams of Oregon, Wilson of Massachusetts, and Yates of Illinois — 35.

Not Guilty. — Messrs. *Bayard* of Delaware, *Buckalew* of Pennsylvania, *Davis* of Kentucky, Dixon of Connecticut, Doolittle of Wisconsin, Fessenden of Maine, Fowler of Tennessee, Grimes of Iowa, Henderson of Missouri, *Hendricks* of Indiana, *Johnson* of Maryland, *McCreery* of Kentucky, Norton of Minnesota, Patterson of Tennessee, Ross of Kansas, *Saulsbury* of Delaware, Trumbull of Illinois, Van Winkle of West Virginia, and *Vickers* of Maryland — 19.

was done to statesmen of spotless character. But until time had been given for reflection on the part of the excited mass of disappointed men, it was idle to interpose a word in defense, much less in justification, of the senators who had conscientiously differed from the main body of their political associates. While, however, the majority of Republicans shared in the chagrin caused by the defeat of Impeachment, a large and increasing number of the cool-headed and more conservative members of the party took a different view. Men of this class rejoiced at the result as a fortunate exit from an indefensible position, which had been taken in the heat of just resentment against the President for his desertion of those important principles of public policy to which he had been solemnly pledged. Still another class, even more numerous than the last-named, took a less conscientious but more sanguine view of the situation — rejoicing both in the act of Impeachment and in the failure to convict. Their specious belief was that the narrow escape which the President had made would frighten him out of all mischievous designs for the remainder of his term; while the narrow escape which the party had made, left to it in the impending Presidential contest all the advantage of political power so firmly held by Congress, and at the same time imposed upon the Democrats the responsibility for a discredited and disgraced Administration of the Government.

The sober reflection of later years has persuaded many who favored Impeachment that it was not justifiable on the charges made, and that its success would have resulted in greater injury to free institutions than Andrew Johnson in his utmost endeavor was able to inflict. No impartial reader can examine the record of the pleadings and arguments of the Managers who appeared on behalf of the House, without feeling that the President was impeached for one series of misdemeanors, and tried for another series. This was perhaps not unnatural. The Republicans had the gravest cause to complain of the President's course on public affairs. He had professed the most radical creed of their party, had sought their confidence, had received their suffrages. Entrusted with the chief Executive power of the Nation by Republican ballots, he professed upon his accession to office the most entire devotion to the principles of the party; but he had, with a baseness hardly to be exaggerated, repudiated his professions, deserted the friends who had confided in him, and made an alliance with those who had been the bitterest foes of the Union in the bloody struggle which had just closed.

In the outraged and resentful minds of those who had sustained the Union cause through its trials, the real offenses of the President were clearly seen, and bitterly denounced: — his hostility to the Fourteenth Amendment; his unwillingness to make citizenship National; his opposition to all efforts to secure the safety of the public debt, and the sacredness of the soldier's pension; his resistance to measures that would put the rebel debt beyond the possibility of being a burden upon the whole nation or even upon the people of the Southern States; his determination that freedmen should not be placed within the protection of Organic law; his eagerness to turn the Southern States over to the control of the rebel element, without condition and without restraint; his fixed hostility to every form of reconstruction that looked to national safety and the prevention of another rebellion; his opposition to every scheme that tended to equalize representation in Congress, North and South, and his persistent demand that the negro should be denied suffrage, yet be counted in the basis of apportionment; his treacherous and malignant conduct in connection with the atrocious massacre at New Orleans; his hostility to the growth of free States in the North-West, while he was constantly urging the instant re-admission of all the rebel States; his denial of a morsel of food to the suffering and starving negro and white Unionist of the South in their dire extremity, as shown by his veto of the Freedmen's-bureau Bill; his cruel attempt to exclude the colored man from the power to protect himself by law, in his shameless veto of the Civil Rights Bill; and last, and worst of all, his heartless abandonment of that Union-loving class of white men in the South who became the victims of rebel hatred, from which he had himself escaped only by the strength of the National arms. In recounting all the acts which made up the roll of his political dishonor, Johnson had, in Republican opinion, committed none so hideous as his turning over the Southern Unionists to the vengeance of those who, as he well knew, were incapable of dealing with them in a spirit of justice, and who were unwilling to show mercy, even after they had themselves received it in quality that was not strained.

Could the President have been legally and constitutionally impeached for these offenses he should not have been allowed to hold his office for an hour beyond the time required for a fair trial. But the Articles of Impeachment did not even refer to any charge of this kind, and a stranger to our history, in perusing them, could not pos-

sibly infer that behind the legal verbiage of the Articles there was in the minds of the representatives who presented them a deadly hostility to the President for offenses totally different from the technical violation of a statute, for which he was arraigned, — a statute that never ought to have been enacted, as was practically confessed by its framers, when, within less than a year after the Impeachment trial had closed, they modified its provisions by taking away their most offensive features.

The charges on which the House actually arraigned the President were in substance, that he had violated the Tenure-of-office Act; that he had conspired with Lorenzo Thomas to violate it; that he had consulted with General Emory to see whether, independent of the General-in-Chief, he could not issue orders to the army to aid him in his determination to violate it; and lastly, that he had spoken of Congress in such a manner as tended to bring a co-ordinate branch of the Government into "disgrace, ridicule, hatred, contempt, and reproach." The charge of conspiring with Lorenzo Thomas, as well as that in respect to General Emory, appeared in the end to be not only unsustained, but trivial. The President had conspired in precisely the same way with General Sherman when he urged him to accept the post of Secretary of War as Mr. Stanton's successor. The charge that he had attempted to bring Congress into "disgrace, ridicule, hatred, contempt, and reproach," was laughingly answered in popular opinion, by the fact that he had not been able to say half so many bitter things about Congress as Congress had said about him; and that, as the elections had shown, Congress had triumphed, and turned the popular contempt and ridicule against the President. Besides, the offense charged against the President had been committed nearly two years before, and seemed to be recalled now for popular effect in the construction of the Articles of Impeachment. This charge richly deserved the satire it received at the hands of Judge Curtis when he spoke of "the House of Representatives erecting itself into a school of manners, and desiring the judgment of the Senate whether the President has not been guilty of an indecorum; whether he has spoken properly?" . . . "Considering the nature of our government," said Judge Curtis, "and the experience we have had on this subject, that is a pretty lofty claim!"

In fact there was but one charge of any gravity against the President — that of violating the Tenure-of-office Act. But on this

charge there was a very grave difference of opinion among those equally competent to decide. Mr. Fessenden, one of the ablest lawyers, if not indeed the very ablest that has sat in the Senate since Mr. Webster, believed on his oath and his honor — an oath that was sacred and an honor that was stainless — that the President had a lawful and Constitutional right to remove Mr. Stanton at the time and in the manner he did. Mr. Trumbull, whose legal ability had been attested by his assignment to the chairmanship of the Judiciary Committee, believed with Mr. Fessenden, as did Mr. Grimes of Iowa, one of the strongest members of the Senate, and Mr. Henderson of Missouri, whose legal attainments have since given him a high professional reputation. Let it be frankly admitted that lawyers of equal rank conscientiously believed in the President's guilt. This only proves that there was ground for a substantial and fundamental difference of opinion, and that it could not therefore with certainty be charged that the President, "unmindful of the high duties of his office, did this act in violation of the Constitution of the United States." This was the very question in dispute, — the question in regard to which lawyers of eminent learning and impartial mind, members of the Republican party and zealous opponents of the President's policy, radically differed in judgment. Opinions of distinguished lawyers on the Democratic side of the Senate, like Reverdy Johnson, are not quoted, because partisan motives would be ascribed to their conclusions.

Perhaps the best test as to whether the act of the President in removing Mr. Stanton was good ground for impeachment, would be found in asking any candid man if he believes a precisely similar act by Mr. Lincoln, or General Grant, or any other President in harmony with his party in Congress, would have been followed by impeachment, or by censure, or even by dissent. It is hardly conceivable, nay, it is impossible, that under such circumstances the slightest notice would be taken of the President's action by either branch of Congress. If there was a difference of opinion as to the intent and meaning of a law, the general judgment in the case supposed would be that the President had the right to act upon his own conscientious construction of the statute. It might not be altogether safe to concede to the Executive the broad scope of discretion which General Jackson arrogated to himself in his celebrated veto of the Bank Bill, when he declared that "The Congress, the Executive, and the Court must each for itself be guided by its own opinion of the Constitution.

Each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others." But without approving the extreme doctrine which General Jackson announced with the applause of his party, it is surely not an unreasonable assumption that in the case of a statute which has had no judicial interpretation and whose meaning is not altogether clear, the President is not to be impeached for acting upon his own understanding of its scope and intent: — especially is he not to be impeached when he offers to prove that he was sustained in his opinion by every member of his Cabinet, and offers further to prove by the same honorable witnesses that he took the step in order to subject the statute in dispute to judicial interpretation.

It is to be noted that in the progress of the trial the Managers on the part of the House and the counsel of the President proceeded upon entirely different grounds as to what constituted an offense punishable with impeachment. General Butler, who opened the case against the President with circumspection and ability, took care to exclude the idea that actual crime on the part of the officer was essential to justify impeachment. Speaking for all the Managers he said, "We define an impeachable high crime or misdemeanor to be one in its nature or consequences subversive of some fundamental or essential principle of government *or highly prejudicial to the public interest; and this may consist of a violation of the Constitution, of law, of an official oath, or of duty, by an act committed or omitted; or, without violating a positive law, by the abuse of discretionary powers from improper motives or for any improper purpose.*" This of course would give great latitude in proceedings against the President. It would challenge his discretion, erect sins of omission into positive offenses, and make inquest of his motives and purposes. There has not been an occupant of the Executive Chair since the organization of the Government, who did not at some period in his career commit an act which in the judgment of his political opponents was "highly prejudicial to the public interest," and therefore if his opponents should happen to be in the majority they might impeach him, simply for disagreement upon an issue of expediency upon which men equally competent to judge might reasonably and conscientiously hold different opinions. This was in effect the same position assumed by Mr. Thaddeus Stevens, that "in order to sustain impeachment under the Constitution it is not necessary to prove a crime as an indictable offense, or any act *malum in se*. It is a purely *political* proceeding."

The counsel for the President dissented altogether from this definition of the grounds of Impeachment as given by the Managers. Judge Curtis declared that "when the Constitution speaks of treason, bribery, and other high crimes and misdemeanors, it refers to and includes only high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done. . . . *Noscitur a sociis.* High crimes and misdemeanors! so high that they belong in this company with *treason* and *bribery*." The position of Judge Curtis was fortified by the fact that in the five cases of Impeachment tried before the President was accused — the cases of Blount, of Pickering, of Chase, of Peck, and of Humphries — the charges preferred by the House involved criminality.

Outside of professional opinion there was supposed to be a popular demand, so far as the Republican party represented the people, for the President's conviction — a demand found to be based, when analyzed, upon other acts of the President than those for which he was arraigned in the Articles of Impeachment. The people in this respect followed precisely in the line of their Representatives. It was certainly not a praiseworthy procedure that this supposed popular wish should have been mentioned at all as an argument for conviction. The most dignified of the many comments which this feature of the trial elicited was by Senator Fessenden, in the official *opinion* which accompanied his vote: — "To the suggestion that popular opinion demands the conviction of the President on these charges, I reply that he is not now on trial before the people, but before the Senate. In the words of Lord Eldon, upon the trial of the Queen, 'I take no notice of what is passing out of doors, because I am supposed constitutionally not to be acquainted with it. . . . It is the duty of those upon whom a judicial task is imposed to meet reproach, and not to court popularity.' . . . *The people* have not taken an oath to do impartial justice according to the Constitution and the law. *I have* taken that oath."

The trial of President Johnson is the most memorable attempt made by any English-speaking people to depose a sovereign ruler in strict accordance with all the forms of law. The order, dignity and solemnity which marked the proceedings may therefore be recalled with pride by every American citizen. From the beginning to the end there was no popular menace, or even suggestion of disturbance or violence, let the trial end as it might. If the President had been

convicted he would have quietly retired from the Executive Mansion and Benjamin F. Wade, President of the Senate, sworn by the Chief Justice in the presence of the two Houses of Congress, would have assumed the power and performed the duties of Chief Magistrate of the Nation. During the original agitation of Impeachment in the House of Representatives some imprudent expressions had been made by hot-headed partisans, in regard to the right of the President to disperse Congress and appeal directly to the people to vindicate his title to his office. But these declarations were of no weight and their authors would have promptly retracted them in the hour of danger.

The time within which the trial of the President was comprised, from the presentation of the charges by the House of Representatives until the final adjournment of the Senate as a Court of Impeachment, was eighty-two days. Within that period the amplest opportunity was afforded to submit testimony and to hear the pleas of counsel. The gravity of the procedure was fully realized by all who took part in it, and no pains were spared to secure the observance of every Constitutional requirement to the minutest detail. In conserving its own prerogatives Congress made no attempt to curtail the prerogatives of the President during his trial. The army and the navy were under his control, together with the power to change that vast host of Federal officers and employees whose appointment does not require the confirmation of the Senate. Confidence in the reign of law was so absolute that no one ever dreamed it possible for the President to resist the force of its silent decree against him if one more voice in the Senate had pronounced him guilty.

The trial of Warren Hastings is always quoted as a precedent of imposing authority and consequence. But that was simply the arraignment of a subordinate official, upon charges of peculation and cruelty — misdemeanors not uncommon with the Englishmen of that day who were entrusted with Colonial administration. The great length of the Hastings trial, and especially the participation of Edmund Burke as original accuser and chief manager, have given it an extraneous importance to students of English history and law. The Articles of Impeachment, drawn by Mr. Burke, were presented at the bar of the House of Lords in April, 1786. They were so elaborate as to fill a stately octavo volume of five hundred pages. Mr. Burke's opening speech was not made for two years thereafter, and his closing plea was made in June 1794. During these eight

years his splendid eloquence was the admiration and pride of the English people, and gave to the arraignment of Hastings an extrinsic interest far beyond its real importance. It bore no comparison in any of its essential aspects with a change of Rulership in a Republic of forty millions of people. Scarcely an incident of Hastings' life in India would be known to the popular reader, except for the association of his name with the most celebrated period of Mr. Burke's majestic career. Baron Plassy, a far greater man in the same field of achievement, is, compared with Hastings, little known — the title not being remembered even by the mass of his countrymen to-day as part of the reward to Robert Clive for founding the British Empire in India.

But the importance of the President's Impeachment does not depend upon the fame of his accusers or upon the length of his trial. The case in itself possesses intrinsic and enduring interest. It was not affected by factitious circumstances. It is, notable especially because of the extreme tension to which it subjected the Constitution, and the attestation it affords of the restraint which a free people instinctively impose upon themselves in times of public excitement. It will be studied as a precedent, or as a warning, by the citizens of the Great Republic during the centuries through which, God grant, it may pass with increasing prosperity and renown. And it may well happen that in the crises of a distant future the momentous trial of 1868, though properly resulting in acquittal of the accused, will be recalled as demonstrating the ease and the serenity with which, if necessity should demand it, the citizens of a free country can lawfully deprive a corrupt or dangerous Executive of the office he has dishonored and the power he has abused.

Mr. Stanton promptly resigned his post when the Impeachment failed and returned to private life and to the practice of his profession. He was accompanied into his retirement by a vote of thanks from Congress for "the great ability, purity and fidelity with which he had discharged his public duties"; and in confirming his successor, the Senate adopted a resolution that Mr. Stanton was not legally removed, but had relinquished his office. He was broken in health and very keenly disappointed by the failure of the Impeachment. He supported General Grant for the Presidency and made one or

two important public speeches in aid of his election. On the 20th of December, 1869, he was appointed by President Grant an Associate Justice of the Supreme Court of the United States. For many years of his eminent professional life this high judicial position was the one ambition which Mr. Stanton had cherished. But its realization came too late. His prolonged labors, his anxieties and his disappointments had done their work, and on the 24th of December, five days after he had completed his fifty-fifth year, he sank to his grave, after herculean labors for the safety and honor of his country.

General John M. Schofield was nominated by the President as Mr. Stanton's successor and was confirmed by the Senate. He had an unexceptionable record as a soldier, was a man of spotless personal character, and possessed of sound judgment and discretion. His ability for civil administration had been tested and satisfactorily demonstrated during his command of the District of Virginia in the period of reconstruction, and also in a certain degree during the war when Mr. Lincoln entrusted to him the difficult task of preserving loyal ascendency in Missouri. He took charge of the War Department at a difficult and critical time, but his administration of it was in all respects successful and received the commendation of fair-minded men in all parties.

Immediately after his acquittal the President renominated Mr. Stanbery for Attorney-General. The Senate, in a spirit of resentment not altogether praiseworthy or intelligible, rejected him. It was rumored that Mr. Stanbery's previous course as Attorney-General "in construing the Reconstruction Acts" had given offense to certain senators. No reason, however, was assigned and indeed no good reason could be given, for this personal injustice to an able lawyer and an honorable man. He was simply a victim to the political excitement of the hour. Upon Mr. Stanbery's rejection the President nominated Mr. Evarts to his first official position under the National Government. He was promptly confirmed, and, it need not be added, discharged the duties of Attorney-General with eminent ability and with a popularity which tended to re-establish in some degree those relations of personal courtesy always so desirable between Congress and the Executive Departments.

CHAPTER XV.

Presidential Election of 1868. — Republican National Convention at Chicago. — General Grant the Clearly Indicated Candidate of his Party. — Contest for the Vice-Presidency. — Wade, Colfax, Fenton, Wilson, Curtin. — Spirited Balloting. — Colfax nominated. — Platform. — Democratic National Convention. — Meets in New York, July 4. — Numerous Candidates. — George H. Pendleton most Prominent. — An Organized Movement for Chief Justice Chase. — His Alliance with the Democracy. — His Eagerness for the Nomination. — His Friendly Relations with Vallandigham. — President Johnson. — Seeks Democratic Indorsement. — Mr. August Belmont's Opening Speech. — Horatio Seymour President of the Convention. — His Arraignment of the Republican Party. — Character of his Mind. — The Democratic Platform. — Favors paying the Public Debt in Paper Money. — Declares the Reconstruction Acts to be Usurpations. — Wade Hampton's Prominence. — Various Names presented for the Presidency. — Varying Fortunes of Candidates. — Seymour nominated. — The Vice-Presidency. — Frank Blair nominated by Acclamation. — Aggressive Campaign on Both Sides. — Mr. Seymour's Popular Tour. — Final Result. — General Grant's Election.

THE stirring events which preceded the Presidential campaign of 1868 brought both parties to that contest with aroused feeling and earnest purpose. The passionate struggle of which President Johnson was the centre, had inspired the Republicans with an ardor and a resolution scarcely surpassed during the intense period of the war. The failure, on the 16th of May, to find the President guilty as charged in the Eleventh Article of Impeachment, was received by the public as a general acquittal, without waiting for the vote of the 26th. A large proportion of the delegates to the Republican National Convention which met at Chicago on the 20th of May, gathered under the influence of keen disappointment at the President's escape from what they believed to be merited punishment. Though baffled in their hope of deposing the man whom they regarded with the resentment that always follows the political apostate, they were none the less animated by the high spirit which springs from conscious strength and power. They were the representatives of an aggressive and triumphant party, and felt that though suffering

an unexpected chagrin they were moving forward with certainty to a new and brilliant victory. The chief work of the Convention was determined in advance. The selection of General Grant as the candidate for the Presidency had for months been clearly foreshadowed and universally accepted by the Republican party. At an earlier stage there had been an effort to direct public thought towards some candidate who was more distinctively a party chief, and who held more pronounced political views; but public sentiment pointed so unmistakably and irresistibly to General Grant that this effort was found to be hopeless and was speedily abandoned. The enthusiasm for General Grant was due to something more than the mere fact that he was the chief hero of the war. It rested upon broader ground than popular gratitude for his military services — great as that sentiment was. During the conflict between Congress and the President, General Grant had been placed in a trying position, and he had borne himself with a discretion and dignity which deepened the popular confidence in his sound judgment and his tact. The people felt that besides the great qualities he had displayed in war, he was peculiarly fitted to lead in restoring peace and the reign of law.

Though the main work of the Convention was simply to ratify the popular choice, the party sent many conspicuous men as delegates. Joseph R. Hawley, William Claflin, Eugene Hale, George B. Loring, and William E. Chandler were present from the New-England States. New York was especially strong in the number of its prominent men. General Daniel E. Sickles, with his honorable war record, Lyman Tremaine, who had been Attorney-General of the State, Charles Andrews, since its Chief Justice, Moses H. Grinnell, Chauncey M. Depew, Ellis H. Roberts, Frank Hiscock, and others of scarcely less rank made up the notable delegation. Pennsylvania sent Colonel Forney and General Harry White, while Colonel A. K. McClure appeared in the Convention as a substitute. Maryland sent John A. J. Creswell, afterward in General Grant's Cabinet. John A. Bingham came from Ohio. The Indiana delegation included Richard W. Thompson and Senator Henry S. Lane. John A. Logan and Emory A. Storrs represented the great State of which General Grant was a citizen. Governor Van Zandt of Rhode Island, Senator Cattell and Cortlandt L. Parker of New Jersey, Ex-Attorney-General Speed of Kentucky, Carl Schurz and Governor Fletcher of Missouri, added strength and character to the roll of delegates.

The Convention rapidly completed its work, being in session but

two days. The opening speech by the Chairman of the National Committee, Governor Ward of New Jersey, was short and pointed. He expressed the dominant thought in the minds of all when he said: "If, as indicated by the unanimity of feeling which prevails here, you shall designate as our leader the great Captain of the age, whose achievements in the field have been equaled by his wisdom in the Cabinet, the Nation will greet it as the precursor of victory to our cause, of peace to the Republic." Carl Schurz was selected as temporary chairman, and his speech reflected the prevalent feeling of all Republicans. He exulted in the great achievements of the party, now freshly recalled in its first National Convention since the successful close of the war, and proclaimed its purpose to finish and perfect the work of reconstructing the Union on the broad basis of equal rights.

For permanent President of the Convention General Sickles and General Hawley had both been prominently mentioned and warmly advocated. The vote between them in the committee on permanent organization was a tie. But New York bent every thing to the purpose of nominating Governor Fenton for the Vice-Presidency, and feared that the selection of General Sickles for the highest honor of the Convention might prejudice his chances. By the casting vote of Hamilton Harris of Albany, a special friend of Governor Fenton and a man of marked sagacity in political affairs, the choice fell upon General Hawley. His speech on taking the chair was earnest and impressive. He briefly reviewed what the party had accomplished in war and in peace, and emphasized the obligation of crowning these triumphs with the permanent establishment of equal and exact justice. He was especially forcible in rebuking the current financial heresies and in insisting that the full demands of the Nation's honor should be scrupulously observed. "For every dollar of the national debt," he declared, "the blood of a soldier is pledged." "Every bond, in letter and in spirit, must be as sacred as a soldier's grave." As these patriotic maxims were pronounced by General Hawley, the whole Convention broke forth in prolonged applause.

The platform, reported on the second day, succinctly stated the Republican policy. It made two principles conspicuous: first, equal suffrage; and second, the maintenance of the public faith. These were the pivots on which the political controversy of the year turned. They embraced the two supreme questions left by the war. The one involved the restoration of public liberty, in harmony with pub-

lic safety, in the lately rebellious States. The other involved the honor of the Republic in observing its financial obligations. The Reconstruction policy rested on equal suffrage as its corner-stone, and the Convention congratulated the country on its established success, as shown by its acceptance already in a majority of the Southern States, and its assured acceptance in all. Equal suffrage was still regarded however rather as an expedient of security against disloyalty than as a measure of National right, rather as an incident to the power of re-organizing rebellious communities than as a subject of National jurisdiction for all the States.

The Fourteenth Amendment was about to be proclaimed, and would place American citizenship under Constitutional protection. The Fifteenth Amendment, ordaining equal political and civil rights, had not yet come. In this period of transition the platform asserted that the guarantee of suffrage to the loyal men of the South must be maintained, but that the question of suffrage in the loyal States belonged to the States themselves. This was an evasion of duty quite unworthy of the Republican party, with its record of consistent bravery through fourteen eventful years. It was a mere stroke of expediency to escape the prejudices which negro suffrage would encounter in a majority of the loyal States, and especially in Indiana and California, where a close vote was anticipated. The position carried with it an element of deception, because every intelligent man knew that it would be impossible to force negro suffrage on the Southern States by National authority, and leave the Northern States free to exclude it from their own domain. It was an extraordinary proposition that the South, after all the demoralization wrought by the war, should be called upon to exhibit a higher degree of political justice and virtue than the North was willing to practice.

On the financial issue the platform was earnest and emphatic. It denounced all forms of repudiation as a national crime, and demanded the payment of the public debt in the utmost good faith, according to the letter and the spirit of the law. The resolutions reflected universal Republican feeling in an impassioned arraignment of President Johnson. At the same time they commended the spirit of magnanimity and forbearance with which those who had taken up arms against the Union were received into fellowship with loyal men, and favored the removal of all political disabilities as rapidly as was consistent with public safety.

When the preliminary business of the Convention had been con-

cluded, John A. Logan, in a vigorous and eloquent speech, presented the name of General Grant for President. On a call of the roll the nomination was repeated by the entire Convention without a dissenting voice. The announcement of his unanimous nomination was received with a great outburst of enthusiasm. The parallel to this unanimity could be found in but few instances in our political history, and it augured well for the success of the canvass in which General Grant was thus made the standard-bearer.

The absence of any contest on the chief nomination imparted unusual spirit and interest to the struggle for the Vice-Presidency. Three candidates were urged by their respective friends with great zeal and earnestness. Benjamin F. Wade of Ohio, President *pro tempore* of the Senate, was already acting Vice-President. If the Impeachment trial had ended in the conviction of President Johnson, Mr. Wade would have succeeded him for the unexpired term, and from this coigne of vantage would doubtless have secured the nomination for the second office. The failure of Impeachment, though fatal to his success, did not dissipate the support which his long services and marked fidelity had commanded, without any of the adventitious aids of power. He had entered the Senate seventeen years before and found there but four members devoted to the cause of free soil. Seward, Sumner, Chase, and John P. Hale had preceded him. Less favored than these senators in the advantages of early life, less powerful in debate, he yet brought to the common cause some qualities which they did not possess. His bluff address, his aggressive temper, his readiness to meet the champions of slavery in physical combat as well as in intellectual discussion, drew to him a large measure of popular admiration.

For several years Governor Fenton had been rising to leadership among New-York Republicans. His political skill had been shown while a member of the House, in forming the combination which made Galusha A. Grow Speaker of the Thirty-seventh Congress. Though not conspicuous in debate he had gained a high reputation as a sagacious counselor and a safe leader. Of Democratic antecedents, he had never been in favor with the political dynasty which so long ruled New York, and of which Thurlow Weed was the acknowledged head. With his conservative views that consummate politician could not keep pace with his party during the war, and thus lost the mastery which he had so long held without dispute. Thereupon Mr. Fenton quietly seized the sceptre which Mr.

Weed had been compelled to relinquish. Elected Governor over Horatio Seymour in 1864, he was re-elected in 1866 over John T. Hoffman, and his four years in that exalted office not only increased his reputation but added largely to his political power. The New-York delegation to the National Convention was chosen under his own eye and was admirably fitted to serve its purpose. It was not only earnest in its loyalty but strong in character and ability. It embraced an unusual number of representative men, and with the favorable estimate which Republicans everywhere held of Governor Fenton's services and administration, their efforts made a marked impression upon the Convention.

The friends of Schuyler Colfax relied less on thorough organization and systematic work than upon the common judgment that he would be a fit and available candidate. He was then at the height of his successful career. He was in the third term of his Speakership, and had acquitted himself in that exacting place with ability and credit. Genial and cordial, with unfailing tact and aptitude, skillful in cultivating friendships and never provoking enmities, he had in a rare degree the elements that insure popularity. The absence of the more rugged and combative qualities which diminished his force in the stormy struggles of the House, served now to bring him fewer antagonisms as a candidate.

Beside the names of Wade, Fenton, and Colfax, two or three others were presented, though not so earnestly urged or so strongly supported. Senator Wilson of Massachusetts had warm friends and was fourth in the rank of candidates. Pennsylvania presented Governor Curtin, but with a divided and disorganized force which crippled at the outset the effort in his behalf. The delegation was nominally united for him, but fourteen of the number were friends of Senator Cameron, and were at heart hostile to Governor Curtin. Mr. J. Donald Cameron, son of the senator, appeared in person as a contesting delegate. The State Convention had assumed the authority to name the delegates from the several Congressional districts. Mr. Cameron denied that the State Convention had any such prerogative. He presented himself with the Dauphin credentials as the champion of the right of district representation. He was admitted to nothing more than an honorary seat, but the opposition of himself and his friends had the desired effect in preventing the candidacy of Governor Curtin from becoming formidable.

On the first ballot Mr. Wade led with 147 votes. Mr. Fenton

was next with 126, Mr. Colfax followed with 125, and Mr. Wilson with 119. Mr. Curtin had 51, and the remainder were scattering. Several of the minor candidates immediately dropped out, and on the second ballot the vote for Wade was raised to 170, for Colfax to 145, and for Fenton to 144. The third and fourth ballots showed nearly equal gains for Wade and Colfax, while Fenton made no increase. All other names were withdrawn. Wade had been weakened by the fact that after the first ballot his own State of Ohio had given several votes for Colfax, to whom the tide now turned with great strength. Iowa was the first State to break solidly. Pennsylvania turned her vote to Colfax instead of Wade whose friends had confidently counted upon it. Other changes rapidly followed, until the fifth ballot, as finally announced, showed 541 for Colfax, 38 for Wade, and 69 for Fenton. The result was received with general and hearty satisfaction, and the Convention adjourned with undoubting faith in a great victory for Grant and Colfax. General Grant's brief letter of acceptance followed within a week, and its key-note was found in the memorable expression, "Let us have peace!" It was spoken in a way and came from a source which gave it peculiar strength and significance.

The Democratic National Convention of 1868 was invested with remarkable interest, less from any expectation that it would seriously contest and jeopard Republican ascendency, than from the several personal issues which entered into it, and the audacious public policies which would be urged upon it. The general drift of the party was clear and unmistakable, but its personal choice and the tone of its declarations would determine how bold a stand it would take before the country. Would it openly proclaim the doctrine of paying the public debt in depreciated paper money, and emphasize its action by nominating Mr. George H. Pendleton, the most distinct and conspicuous champion of the financial heresy? Would it attempt a discussion and review of its tendency and designs, and make what would approach a new departure, in appearance if not in fact, by going outside of its own ranks and nominating Chief Justice Chase? Would the recreancy of President Johnson to his own party and his hope of Democratic support find any considerable response? And aside from the issue of virtually repudiating the public debt, would the party now re-assert its hostile and revolutionary attitude towards

the well-nigh completed work of Reconstruction? These various possibilities left a degree of uncertainty which surrounded the Convention with an atmosphere of curious expectation.

The movement most deliberately planned and most persistently pressed was that on behalf of Mr. Pendleton. The Greenback heresy had sprung up with rapid growth. The same influence which had resisted the issue of legal-tender notes during the war, when they were deemed vital to National success,now demanded that they be used to pay the public debt, though depreciated far below the standard of coin. "*The same currency for the bond-holder and the plough-holder*" was a favorite cry in the mouths of many. This plausible and poisonous fallacy quickly took root in Ohio, whose political soil has often nourished rank and luxuriant outgrowth of Democratic heresies, and it came to be known distinctively as "The Ohio Idea." The apt response of the Republicans was, *the best currency for both plough-holder and bond-holder!* Mr. Pendleton was peculiarly identified with *the Ohio Idea.* If not its author he had been its zealous advocate, and had become widely known as its representative. The policy which typified the easy way of paying debts spread through the West and South, and brought to Mr. Pendleton a wide support. His popular address and attractive style of speech increased his strength as a candidate, and his partisans came to the Convention under the lead of able politicians, with the only movement which was well organized and which had positive and concentrated force behind it.

While the Pendleton canvass was earnestly, openly, and skilfully promoted it was also adroitly opposed. The keen and crafty politicians of New York were neither demonstrative nor frank in indicating their course, but they were watchful, sinuous, and efficient. Their plot was carefully concealed. They were ready to have a New-York candidate thrust upon them by other sections. If called upon to look outside of their own State and select from the list of avowed aspirants, they modestly suggested Mr. Hendricks of Indiana, a friend and co-laborer of Mr. Pendleton. But the favorite scheme in the inner councils of the New-York Regency, was to strike beyond the Democratic lines and nominate Chief Justice Chase. This proposition was little discussed in public, but was deeply pondered in private by influential members of the Democratic party. Mr. Chase himself presented no obstacle and no objection. He cherished an eager ambition to be President. He had desired and sought the Republican

nomination in 1864, and though the overwhelming sentiment for Mr. Lincoln had soon driven him from the field, the differences he had encouraged led to his retirement from the Cabinet. His elevation to the highest judicial office in the land did not subdue or even check his political aspirations. For a time he looked forward with hope to the Republican nomination in 1868; but when it became evident that none but General Grant could be the chosen leader, his thoughts evidently turned towards the Democratic Convention.

Certain circumstances made the possible selection of the Chief Justice as the Democratic candidate a less inconsistent procedure than his long antagonism to the party might at first suggest. In the beginning of his political career Judge Chase had leaned towards the Democratic party, and at a more recent period had been promoted to the Senate by the aid of Democrats. He had consistently advocated the fundamental principles which originally distinguished the party. Recent circumstances had separated him from active sympathy with the Republicans and placed him in opposition to the policy of some of its leading measures. He had taken occasion to criticise what he called the military governments in the Southern States. Other causes had tended to separate him from the Republican party and to commend him to the Democracy. When he took his seat on the bench of the Supreme Court a majority of the judges belonged to the Democratic party, and with them he soon acquired personal intimacy and confidential relations. He had secured many friends in the South by joining in the opinions pronounced by Mr. Justice Field for the court in 1867, in regard to the test-oaths prescribed in the Missouri constitution, and also in regard to the test-oath of lawyers known as the case *ex parte* Garland. All the impressions touching his Democratic tendencies had been deepened and increased during the Impeachment trial. It was evident that he was not in harmony with the Republican senators, and he took no pains to conceal his willingness to thwart them, so far as was consistent with his duty, in the position of Presiding officer.

This demonstration of political sympathy, made manifest through judicial channels, had brought Judge Chase and the Democratic managers nearer together. Both realized however that a complete change of position would defeat its own purpose. On one important point indeed Judge Chase never wavered and was unwilling to compromise. In all utterances and all communications he firmly maintained the principle of universal suffrage as the primary article of his

political creed. If the Democrats should accept him they must accept this doctrine with him. Six weeks prior to the Convention Mr. August Belmont in a private letter advised him that the leading Democrats of New York were favorable to his nomination, and urged upon him that with the settlement of the slavery question, the issue which separated him from the Democratic party had disappeared. Judge Chase replied that the slavery question had indeed been settled, but that in the question of Reconstruction it had a successor which partook largely of the same nature. He had been a party to the pledge of freedom for the enfranchised race, and the fulfillment of that pledge required, in his judgment, "the assurance of the right of suffrage to those whom the Constitution has made freemen and citizens."

Not long after this correspondence the Chief Justice caused a formal summary of his political views to be published, with the evident purpose of gaining the good will of the "American Democracy." The summary touched lightly on most of the controverted political questions, and contained nothing to which the Democrats would not have readily assented except the declaration for universal suffrage. To this policy all Democratic acts and expressions had been uncompromisingly hostile, and the sentiment of the party might not easily be brought to accept a change which was at once so radical and so repugnant to its temper and its training. Judge Chase hoped to induce its acquiescence and believed that such an advance might open the way to success. But his tenacity on this point was undoubtedly an obstacle to his nomination. Another difficulty was the strenuous opposition of the Ohio delegates and their zealous preference for Mr. Pendleton. Superadded to all these objections was a popular aversion to any thing which looked like a subordination of judicial trust to political aims. Incurring this reproach through what seemed to be inordinate ambition, Judge Chase had forfeited something of the strength to secure which could be the only motive for his nomination by his old political opponents.

Notwithstanding all these apparent obstacles, there was among the most considerate men of the Convention a settled purpose to secure the nomination of the Chief Justice. They intended to place him before the people upon the issues in regard to which he was in harmony with the Democratic party, and omit all mention of issues in regard to which there was a difference of view. This was a species of tactics not unknown to political parties, and might be used with great effect if Mr. Chase should be the nominee. The astute

men who advocated his selection saw that the great need of the Democracy was to secure a candidate who had been unquestionably loyal during the war, and who at the same time was not offensive to Southern feeling. The prime necessity of the party was to regain strength in the North — to recover power in that great cordon of Western States which had for so many years prior to the rebellion followed the Democratic flag. The States that had attempted secession were assured to the Democracy as soon as the party could be placed in National power, and to secure that end the South would be wise to follow the lead of New York as obediently as in former years New York had followed the lead of the South. It was a contest which involved the necessity of stooping to conquer.

The Chief Justice was, so far as his position would permit, active in his own behalf. He was in correspondence with influential Democrats before the Convention, and in a still more intimate degree after the Convention was in session. On the 4th of July he wrote a significant letter to a friend who was in close communication with the leading delegates in New York. His object was to soften the hostility of the partisan Democrats, especially of the Southern school. Referring to the policy of Reconstruction, he said, "I have always favored the submission of the questions of re-organization after disorganization by war to the entire people of the whole State." This was intended to assure Southern men that if he believed in the justice of giving suffrage to the negro, he did not believe in the justice of denying it to the white man.

The strangest feature in Judge Chase's strange canvass was the apparent friendship of Vallandigham, and the apparent reliance of the distinguished candidate upon the strength which the notorious anti-war Democrat could bring to him. Vallandigham had evidently been sending some kind messages to the Chief Justice, who responded while the Democratic Convention was in session, in these warm words: "The assurance you give me of the friendship of Mr. V., affords me real satisfaction. He is a man of whose friendship one may well be proud. Even when we have differed and separated most widely, I have always admired his pluck and consistency, and have done full justice to his abilities and energies." The plain indication was that Vallandigham, who had come to the Convention as an earnest friend of Pendleton, was already casting about for an alternative candidate in the event of Pendleton's failure, and was considering the practicability of nominating the Chief Justice.

President Johnson had also aspired to the Democratic candidacy. Ambitious, untiring, and sanguine, this hope of reward had nerved him in the bitter quarrel with his own party. The fate of Tyler and Fillmore had no terrors and no lessons for one who eagerly and blindly sought a position which would at once gratify his ambition and minister to his revenge. He was using all the powers of the Executive in a vain fight to obstruct and baffle the steadily advancing Republican policy. The Democrats, instead of following a settled chart of principles, were making the cardinal mistake of supporting him in all his tortuous course of assumptions and usurpations, and it was not strange that he should expect them to turn towards him in choosing a leader to continue the contest. But it is an old maxim, repeatedly illustrated, that while men are ready to profit by the treason, they instinctively detest the traitor. Mr. Johnson had embittered the party which he had betrayed, without gaining the confidence of the party he had sought to serve. By his attempt to re-establish the political power of the elements which had carried the South into rebellion he had acquired some friends in that section, but his intemperate zeal had so greatly exasperated public feeling at the North that even those who applauded his conduct were unwilling to take the hazard of his candidacy.

The re-awakened opposition and designs of the Southern leaders were shown in the active participation of several of the conspicuous Confederate chiefs in the Convention. When the last preceding National Convention was held they were in arms against the Government. This was the first occasion upon which they could reappear in the arena of National politics. It had been suggested to them from friendly sources that while the memory of their part in the bloody strife was still so fresh it would be prudent for them to remain in the background, but they vigorously resented this proposed exclusion. General Forrest of Tennessee published an indignant letter, in which he referred to "the counsel of timid men" that those who had prominently borne the flag of rebellion should abstain from any share in political action. He vehemently repelled the suggestion. Instead of exacting only secondary places he boldly asserted the highest claims. He appealed to the people and directly urged upon his associates, "that we, who are the true representatives of the greater portion of the true Constitutional men of the States, shall not exclude ourselves from the Democratic Convention." This spirit found a hearty response, and a large number of Confederate officers

appeared in the National council of the party; of whom the foremost were Generals Forrest, Wade Hampton, John B. Gordon, and William Preston.

The Convention met in New York on the fourth day of July. Besides those active in the rebel armies, there were several leaders who had been conspicuous in the civil councils of the Confederacy. A. H. Garland of Arkansas, Benjamin H. Hill of Georgia, Zebulon B. Vance of North Carolina, and R. Barnwell Rhett of South Carolina were the most widely known. Louisiana sent two delegates whom she has since advanced to the Senate — Randall L. Gibson and James B. Eustis. Thomas S. Bocock, fourteen years a representative in the National Congress, afterwards Speaker of the Confederate Congress, came from Virginia. Montgomery Blair, who like his more impulsive brother Frank had fallen back into the party which seemed to be the natural home of the Blair family, came from Maryland as the colleague of William Pinckney Whyte. New York presented a strong array of delegates, among whom the most conspicuous were Horatio Seymour, Samuel J. Tilden, Henry C. Murphy, Augustus Schell, and Francis Kernan. Several of the regularly chosen delegates from Ohio gave way in order that the State might, in Mr. Pendleton's interest, secure greater parliamentary and debating talent; and to this end, Allen G. Thurman, Clement L. Vallandigham, George E. Pugh, and George W. Morgan appeared on the floor of the Convention. Pennsylvania sent ex-Senator Bigler and Judge George W. Woodward, whose ability was equaled by his rank Bourbonism. William R. Morrison and William A. Richardson of Illinois, William W. Eaton of Connecticut, Josiah G. Abbott of Massachusetts, James A. Bayard of Delaware, John G. Carlisle of Kentucky, Joseph E. McDonald and Daniel W. Voorhees of Indiana, were names familiar in Democratic councils.

Mr. August Belmont's lurid speeches had become the accepted signal-guns of national Democratic conventions, and he did not disappoint expectation on this occasion. His prophetic vision and historic recital were even more far-reaching and alarming than before. He drew a dark picture of evils which he charged upon the Republican party, and then proceeded: "Austria did not dare to fasten upon vanquished Hungary, nor Russia to impose upon conquered Poland, the ruthless tyranny now inflicted by Congress on the Southern States. Military satraps are invested with dictatorial power, overriding the decisions of the courts and assuming the functions of the

civil authorities; and now this same party which has brought all these evils upon the country comes again before the American people asking for their suffrages! And whom has it chosen for its candidate? The General commanding the armies of the United States. Can there be any doubt as to the designs of the Radicals if they should be able to keep their hold on the reins of government? They intend Congressional usurpation of all the branches and factions of the Government, to be enforced by the bayonet of a military despotism."

Apparently it never occurred to Mr. Belmont that each succeeding sentence of his speech carried with it its own disproof. With loud voice and demonstrative manner, speaking in public before a multitude of people, with his words certain to be quoted in the press on account of the accident of his position, Mr. Belmont denounced the policy of our Government as more tyrannical than that of Russia or Austria. What did Mr. Belmont suppose would have been his fate if on the soil of Russia or Austria he had attempted the slightest denunciation of the policy of those empires? How long would he have remained outside prison walls if he had, in either of those countries, ventured upon a tithe of the unrestrained vituperation which he safely indulged in here? In his visions he now saw General Grant upholding a Congressional usurpation with bayonets. Four years before, he saw in Mr. Lincoln's election "the utter disintegration of our whole political and social system amid bloodshed and anarchy." Mr. Belmont had evidently not proved a true prophet and did not aspire even to be a trustworthy historian.

Mr. Henry M. Palmer of Wisconsin, who was chosen temporary chairman, did not delay the Convention, and the organization was speedily completed by the election of Governor Seymour as permanent president. He had filled the same position in the convention of 1864. He was destined to hold a still more important relation to the present body, but that was not yet foreseen. His admirers looked to him as a political sage, who if not less partisan than his associates was more prudent and politic in his counsels. No other leader commanded so large a share of the confidence and devotion of his party. No other equaled him in the art of giving a velvety touch to its coarsest and most dangerous blows, or of presenting the work of its adversaries in the most questionable guise. It was his habit to thread the mazes of economic and fiscal discussion, and he was never so eloquent or apparently so contented as when he was painting a vivid picture of the burdens under which he imagined the

country to be suffering, or giving a fanciful sketch of what might have been if Democratic rule had continued. From the beginning of the war he had illustrated the highest accomplishments of political oratory in bewailing, like the fabled prophetess of old, the coming woes — which never came. In his address on the present occasion he arraigned the Republican party for imposing oppressive taxes, for inflicting upon the country a depreciated currency, and for enforcing a military despotism. Like all the other speakers he affected to see a serious menace in the nomination of General Grant. Referring to the Republican platform and candidate he said, "Having declared that the principles of the Declaration of Independence should be made a living reality on every inch of American soil, they put in nomination a military chieftain who stands at the head of that system of despotism which crushes beneath its feet the greatest principles of the Declaration of Independence." And with this allusion he proceeded to condemn an assumed military rule with all its asserted evils.

Extreme as was the speech of Mr. Seymour, it was moderate and conservative in spirit compared with other displays and other proceedings of the Convention. The violent elements of the Democratic party obtained complete mastery in the construction of the platform. They presented in the resolutions the usual declarations on many secondary questions, together with an elaborate and vehement arraignment of Republican rule. But the real significance of the new Democratic creed was embodied in two salient and decisive propositions. The first was the declaration "*that all the obligations of the Government, not payable by their express terms in coin, ought to be paid in lawful money.*" This was a distinct adoption of the Greenback heresy. The movement to nominate Mr. Pendleton did not succeed in its personal object, but it did succeed in embodying its ruling thought in the Democratic creed. It proved to be the guiding and mastering force of the Convention. The greenback issue went there with the positive, resolute support of a powerful candidate, and of a formidable array of delegates who knew precisely what they wanted. It was organized under a name and had the strength of a personality. There was opposition, but it was not coherent, organized or well led. In fact the platform was expressly framed to fit Mr. Pendleton; and if, as often happens, the champion and the cause did not triumph together, he compelled his party to commit itself fully and unreservedly to his doctrine.

The second vital proposition related to the policy and Acts of Reconstruction. If Chief Justice Chase was to be nominated, the party must accept the broad principle of universal suffrage or he must abandon his lifelong professions. But universal suffrage, especially if ordained by National authority, was irreconcilable with Democratic traditions and Democratic prejudices. The Democrats had uniformly maintained that the right of suffrage was a question which came within the political power of the States and did not belong to the National jurisdiction. They denied that the States had in any degree, even by rebellion, forfeited their prerogatives or changed their relations. They insisted that nothing remained but to recognize them as restored to their old position. In framing the present platform they re-affirmed this doctrine, under the declaration that "any attempt of Congress, on any pretext whatever, to deprive any State of its right (to regulate suffrage), or interfere with its exercise, is a flagrant usurpation of power, which cannot find any warrant in the Constitution." This broad assertion was designed to deny even the right of Congress to make impartial suffrage in the revised constitutions a condition precedent to the re-admission of the rebellious States to representation. But the platform did not stop here. With a bolder sweep it declared "*that we regard the Reconstruction Acts of Congress as usurpations, unconstitutional, revolutionary, and void.*" This extreme proposition, deliberately adopted, was calculated to produce a profound public impression. It was not a mere challenge of the policy or rightfulness of the Reconstruction Acts; it was not a mere pledge of opposition to their progress and completion; but it logically involved their overthrow, with the subversion of their results, in case the Democratic party should acquire the power to enforce its principles and to execute its threats.

The import of this bold declaration receives additional light from the history of its genesis and adoption. Its immediate paternity belonged to Wade Hampton of South Carolina. In a speech at Charleston, within two weeks from the adjournment of the Convention, General Hampton recounted the circumstances which attended its insertion in the platform, and proudly claimed it as his own plank. He was himself a member of the Committee on Resolutions, and took an active part in its deliberations. All the members, he said, agreed that the control of suffrage belonged to the States; but General Hampton himself contended that the vital question turned on what were the States. In order that there might be no room for dispute

he proposed that the platform should specifically say "the States as they were before 1865." To this however some of the members objected as impolitic and calculated to raise distrust, and it was accordingly dropped. General Hampton then proposed to insert the declaration that the "Reconstruction Acts are unconstitutional, revolutionary, and void;" and the manner in which this suggestion was received is given by General Hampton himself: "When I presented that proposition every member, and the warmest were from the North, came forward and pledged themselves to carry it out." He further reported to his people that the Democratic leaders declared their "willingness to give us every thing we could desire; but they begged us to remember that they had a great fight to make at the North, and they therefore besought us not to load the platform with a weight that they could not carry against the prejudices which they had to encounter. *Help them once to regain the power, and then they would do their utmost to relieve the Southern States and restore to us the Union and the Constitution as it had existed before the war.*"

This declaration received still further emphasis from at least one of the nominations to which the Convention was now ready to proceed. The New-York delegation, which was believed to be friendly to Chief Justice Chase, had determined to mask itself for the present behind a local candidate, and it chose Sanford E. Church for that purpose. Pennsylvania, whose ultimate design was less certain, put forward Asa Packer in the same way. James E. English of Connecticut, Joel Parker of New Jersey, and several minor candidates, were presented as local favorites. The first ballot verified the claims of Mr. Pendleton's friends, and showed him to be decisively in the lead, though still far short of the number necessary to nominate. He had 105, while Andrew Johnson had 65, Judge Church 34, General Hancock 33, Packer 26, English 16, with the remainder scattering. President Johnson had a higher vote than was expected, but after the first ballot it immediately and rapidly declined. On the second ballot Pendleton fell off to 99, but recovered on the third, rising to 119, and thereafter slowly advancing. The first day of voting, which was the third of the Convention, ended after six ballots without any material change or decisive indication.

The name of Mr. Hendricks of Indiana had been brought forward just at the close of the third day with thirty votes, and at the opening of the following day he immediately developed more strength. The adroit use of his name, devised by the New-York regency, was

fatal to Mr. Pendleton. Coming from the adjoining State Mr. Hendricks divided a section on which the Ohio candidate relied. A majority of the Indiana delegation deserted to his banner. New York, with an air of gratified surprise, withdrew Church and voted solidly for Hendricks. Pendleton reached his highest vote of 156½ on the eighth ballot and thenceforward steadily declined. Meanwhile Hancock had been gaining as well as Hendricks. South Carolina, Virginia, and several other States changed to his support. Then Illinois broke from Pendleton and cast half her vote for Hendricks. On the twelfth ballot the announcement of ½ a vote from California for Chief Justice Chase was received with a great and prolonged outburst of cheering. It was suspected that a single delegate from the Pacific coast had cast the vote at the instigation of the New-York managers, in order to test the sense of the galleries as well as of the Convention. The day closed with the eighteenth ballot, on which Hancock had 144½, Hendricks 87, and Pendleton 56½. With such an apparent lead after so many ballots, the nomination of General Hancock on the ensuing day would, under ordinary circumstances, have been reckoned as a probable result. But it was not expected. It was indeed against the logic of the situation that a Democratic Convention could at that time select a distinguished Union general, of conservative record and cautious mind, for a Presidential candidate. General Hancock's name was in fact used only while the actual contestants of the Convention were fencing for advantageous position in the final contest.

The outlook for Mr. Hendricks was considered flattering by his immediate supporters, but to the skilled political observer it was evident that the figures of the eighteenth ballot gave no assurance to the friends of any candidate. After the adjournment of the Convention, and throughout the night that followed, calculation and speculation took every shape. The delegations from New York and Ohio absorbed the interest of the politicians and the public. The two delegations were playing at cross-purposes — each trying to defeat the designs of the other, and each finding its most available candidate in the State of the other. The tactics of New York had undoubtedly defeated Pendleton, and the same men were now planning to nominate Chief Justice Chase. The leading and confidential friends of Mr. Pendleton were resolved that the New York plot should not succeed, and that Mr. Chase should not, in any event, be the candidate. In a frame of mind which was half panic, half reason, they

concluded that it would be impossible to defeat the Chief Justice if his name should be placed before the Convention by the united delegation of New York speaking through the glowing phrases of Mr. Seymour, who, as it was rumored, would next morning leave the chair for that purpose. It was concluded, therefore, in the consultations of Mr. Pendleton's friends, that the movement should be anticipated by proposing the name of Mr. Seymour himself. The consultations in which these conclusions were reached were made up in large part of the aggressive type of Western Democrats, who had been trained to political fighting under the lead of Stephen A. Douglas. Among the most active and combative was Washington McLean of the Cincinnati *Enquirer*. It was this class of Democrats that finally rendered the nomination of the Chief Justice impossible.

On the following morning (of the last day of the Convention, as it proved) the Ohio delegation took the first and most important step, in formally withdrawing the name of Mr. Pendleton. The voting was then resumed, and the nineteenth and twentieth ballots showed a slight loss for Hancock, and a corresponding gain for Hendricks. On the twenty-first ballot Hancock had 135½, and Hendricks 132; with 48½ divided among minor candidates. At this point the Ohio delegation, having been absent in conference, entered the hall, and amid a hush of expectation and interest proposed the name of Horatio Seymour. Mr. Seymour had been frequently mentioned, and would have been formidable from the first if he had permitted the use of his name, but he had invariably met the proposition with the answer that he could under no circumstances become a candidate. He now repeated this statement from the chair, but Ohio insisted and New York assented. With a whirl of excitement all the States followed, and the nomination was made on the twenty-second ballot by a unanimous vote. Mr. Seymour had, no doubt, been sincere in declining to be a candidate; but the prolonged balloting had produced great anxiety among the delegates, and the pressure had at last come in a form which he could not resist.

The ticket was completed without delay. Just prior to the Convention General Frank Blair had written a remarkable letter to Colonel Brodhead, one of the Missouri delegates. General Blair's name had been mentioned as a Presidential candidate, and in this letter he defined his position. He insisted, as the supreme issue, that the Reconstruction Acts and their fruits must be overthrown. How they should be overthrown he thus indicated: "There is but one way

to restore the Government and the Constitution, and that is for the President to declare these Acts null and void, compel the army to undo its usurpations at the South, dispossess the carpet-bag State governments, allow the white people to re-organize their own governments and elect senators and representatives." General Blair contended that this was "the real and only question," and that until this work was accomplished "it is idle to talk of bonds, greenbacks, the public faith, and the public credit." This letter, as will be noted, harmonized in thought and in language with the plank which Wade Hampton had inserted in the platform, and its audacious tone commended its author to those who had been potential in committing the Convention to this extreme position. General Preston of Kentucky, who had won his stars in the Confederate army, presented General Blair for Vice-President. General Wade Hampton, distinguished in the same cause, seconded it, and the nomination was made by acclamation.

The Democratic party thus determined, through its platform and partially through its candidates, to fight its battle on the two issues of paying the debt in depreciated paper currency and overthrowing Reconstruction. Other questions practically dropped out. The whole discussion of the canvass turned on these two controlling propositions. No violence of design which the Republicans imputed to their adversaries exceeded their open avowals. The greater positiveness of General Blair, the keener popular interest in the Southern question and the broader realization of its possible dangers, made the issue on Reconstruction overshadow the other. The utterances of Southern leaders confirmed its superior importance in the public estimate. The jubilant expressions of Wade Hampton at Charleston have already been given. In a speech at Atlanta, Robert Toombs declared that "all these Reconstruction Acts, as they are called, these schemes of dissolution, of violence and of tyranny, shall no longer curse the statute-book nor oppress the free people of the country; these so-called governments and legislatures which have been established in our midst shall at once be made to vacate. The convention at New York appointed Frank Blair specially to oust them." Howell Cobb and Benjamin H. Hill also made incendiary speeches during the canvass, proclaiming their confidence in the practical victory of those who had waged the Rebellion; and Governor Vance of North Carolina boasted that all they had lost when defeated by Grant they would regain when they triumphed with Seymour.

It is not probable that the Democrats could, by any policy, have achieved success in this contest. The prestige of Grant's great fame and the momentum given to the Republican party by his achievements during and immediately after the war, would have defeated any opposition, however skillful. But had Governor Seymour himself framed the platform on which he was to stand, and had he been free from the burden and the embarrassment of Blair's imprudent and alarming utterances, his greater sagacity and adroitness would have insured a more formidable battle. As it was, the rash action of the Democratic Convention made it reasonably clear from the beginning that the ticket was doomed to defeat. The progress of the canvass strengthened this impression; the Democracy was placed everywhere on the defensive; its own declarations shotted every gun that was aimed against it; and its orators and organs could neither make effective reply nor divert public attention from its fatal commitment.

The Democrats however made a strenuous contest and sought to counterbalance the weakness of their national contest by strong State tickets. In Indiana Mr. Hendricks was nominated for Governor, and it was hoped that the influence of his name would secure the advantage of success in the preliminary October struggle. In Pennsylvania a vigorous canvass was conducted under the skillful management of William A. Wallace. But all these efforts were unavailing. The October elections clearly presaged Republican victory. The Republicans carried Pennsylvania, in spite of surprising and questionable Democratic gains in Philadelphia; they held Ohio by a satisfactory majority; and in Indiana, Conrad Baker was elected Governor over Mr. Hendricks. With this result in the October States the November battle could not be doubtful.

The Democratic leaders however did not yet surrender the field. They made one more energetic effort to snatch the victory which seemed already in the grasp of their adversaries. But their counsels were divided. One element proposed to try heroic surgery and cut off the diseased member. While the echoes of the October verdict were still resounding, the *New-York World*, the leading Metropolitan organ of the Democratic party, in a series of inflammatory articles demanded that General Blair should be withdrawn from the ticket. This disorganizing demonstration met with little favor in the ranks of the party, and only served as a confession of weakness without accomplishing any good. A more significant and better

advised movement was that of Governor Seymour himself. He had thus far borne no public part in the campaign, but he now took the field in person to rally the broken cohorts of his party and if possible recover the lost ground. Up to this time General Blair, through his self-assertion and his bold proclamation of Democratic designs, had been the central figure of the canvass. It was now determined that Blair should go to the rear and that Governor Seymour should go to the front and make a last and desperate effort to change the line of battle.

He started the week following the October elections, and went through Western New York, Ohio, Illinois, and Pennsylvania; ending his tour only with the close of the National canvass. Delivering at least one extended address each day at some central point, and speaking frequently by the way, his journey fastened the attention of the country and amply illustrated his versatile and brilliant intellectual powers. No man was more seductive in appeal, or more impressive in sedate and stately eloquence. With his art of persuasion he combined rare skill in evading difficult questions while preserving an appearance of candor. His speeches were as elusive and illusive as they were smooth and graceful. In his present series of arguments he labored to convince the country that if the Democrats elected the President they would still be practically powerless, and that apprehension of disturbance and upheaval from their success was unfounded. He sought also to draw the public thought away from this subject and give it a new direction by dwelling on the cost of government, the oppression of taxes, the losses from the disordered currency and the various evils that had followed the trials and perils through which the country had passed. But it was not in the power of any man to change the current of public feeling. The popular judgment had been fixed by events and by a long course of concurrent evidences, and no single plea or pledge could shake it. The election resulted in the success of General Grant. Virginia, Mississippi, and Texas, in which Reconstruction was not yet completed, did not choose electors. Of the remaining thirty-four States Mr. Seymour carried but eight. General Grant's majority on the popular vote was 309,584. Of the electors he had 214 and Mr. Seymour had 80.

CHAPTER XVI.

Republican Victory of 1868 analyzed. — Mr. Seymour's Strength Unexpectedly Great. — Astounding Defection of Certain States. — Democratic Victory in New York, New Jersey, and Oregon. — Evil Omens. — Democratic Victory in Louisiana. — Won by Fraud and Violence. — The Figures examined. — Action of Congress thereon. — Fraud suspected in Georgia. — Democratic Duty unperformed. — Impartial Suffrage. — Various Propositions. — Amendment to the Constitution. — Mr. Henderson of Missouri. — Mr. Stewart of Nevada. — Mr. Garrett Davis. — Proceedings in the House. — Speech of Mr. Boutwell. — Answered by Mr. Beck and Mr. Eldridge. — Passage of Amendment by House. — Action thereon in Senate. — Amendment of Mr. Wilson. — Proposition of Mr. Morton and Mr. Buckalew. — Disagreement of the Two Branches. — Conference Committee. — Fifteenth Amendment reported. — Public Opinion in the United States. — Fourteenth Amendment now modified. — Its Effect and Potency lessened. — Its Failure to remove Evils. — Great Value of the Three Amendments. — Their Assured Enforcement. — Honor to their Authors. — Lesson taught by Mr. Lincoln. — Its Significance.

WHILE the result of the Presidential election of 1868 was, upon the record of the electoral votes, an overwhelming victory for the Republican party and its illustrious candidate, certain facts tended to qualify the sense of gratulation and triumph on the part of those who give serious study to the progress and results of partisan contests. It was the first Presidential election since the close of the war, and the candidates represented in sharp and definite outline the antagonistic views which had prevailed among Northern men during the period of the struggle. General Grant was the embodiment of the war feeling, and presented in his own person the spirit of the contest for the Union and the evidence of its triumph. The Democratic candidate, if not open to the charge of personal disloyalty, had done much as Governor of New York to embarrass the National Administration in the conduct of the war, and would perhaps have done more but for the singular tact and address with which Mr. Lincoln had prevented an open quarrel or even a serious conflict of authority. Mr. Seymour was indeed unpleasantly associated in the public mind with the riot which had been organized in the city

of New York against the enforcement of the draft. He had been a great favorite of the Peace party, and at the most critical point in the civil struggle he had presided over a National Convention which demanded that the war should cease.

Under these circumstances it was not altogether re-assuring to the ardent loyalists of the country, that the city of New York, whose prosperity depended in so great a degree upon the preservation of the Union, should now give Mr. Seymour a majority of more than sixty thousand over General Grant, and that the Empire State, which would cease to be Imperial if the Union ceased to exist, should in a popular contest defeat General Grant by fully ten thousand votes. New Jersey made an equally discouraging record by giving Mr. Seymour a majority of three thousand. The Pacific coast, whose progress and prosperity depended so largely upon the maintenance of the Union, presented an astonishing result, — California giving General Grant a majority of only 514, while Oregon utterly repudiated the great leader and gave her electoral vote for Mr. Seymour. Indiana, in the test vote of the October election for governor, was carried for the Republicans by only 961; Ohio gave a smaller majority in the hour of National victory than she had given during any year of the civil struggle, while Pennsylvania at the same election gave the party but ten thousand majority. In the city and county of Philadelphia the Democrats actually had a majority of nearly two hundred votes. The Republican majorities in the three States were considerably increased in the November election by the natural falling off of the Democratic vote, but the critical and decisive battle had been fought in each State in October. It was a very startling fact that if Mr. Seymour had received the electoral vote of the solid South (which afterwards came to be regarded either as the rightful inheritance or the fraudulent prerogative of the Democratic party), he would, in connection with the vote he received in the North, have had a majority over General Grant in the Electoral College. Considering the time of the election, considering the record and the achievements of the rival candidates, the Presidential election of 1868 must be regarded as the most remarkable and the most unaccountable in our political annals.

The result was not comforting to the thoughtful men who interpreted its true significance and comprehended the possibilities to which it pointed. Of the reconstructed States (eight in number) General Grant received the electoral votes of six, — North Carolina,

South Carolina, Tennessee, Alabama, Arkansas, and Florida. A full vote was secured in each, and the lawfulness and fairness of the result under the system of Reconstruction were not questioned. The vote of Georgia was disputed on account of some alleged irregularity in her compliance with the Acts of Reconstruction, and the suspicion that the Presidential election was not fairly conducted. But in Louisiana there was no moral doubt that violence and disorder had done their evil work. The result in the State was declared to be in favor of Mr. Seymour. The subject was brought before Congress, and the counting of the votes of these States was challenged; but as the alleged irregularity in Georgia and the alleged fraud in Louisiana had not been legally investigated, Congress (Republican at the time by a large majority in both branches) declined to exclude them from the electoral count.

There was great dissatisfaction on the part of a considerable number of Republicans in Congress with the determination to admit the vote of Louisiana without some qualifying record or explanation. In the House General Schenck offered a resolution, declaring that "the vote of the State was counted because no proof was formally submitted to sustain the objections thereto." General Shanks of Indiana offered a much more decisive resolution, declaring that "in the opinion of the House the acceptance of the electoral vote of Louisiana will encourage the criminal practice of enforcing elections in the States lately in rebellion, and involves the murder of thousands of loyal people." The rule of the House required unanimous consent to admit these resolutions, and they were strenuously objected to by Fernando Wood, Charles A. Eldridge, and other leading Democrats of the House.

In the Senate Mr. Morton of Indiana submitted a resolution, declaring that "while there is reason to believe from common report and information that the late Presidential election in Louisiana was carried by force and fraud, still there being no legal evidence before the Senate on that subject the electoral vote of Louisiana ought to be counted." No debate being allowed under the rule regulating the proceedings of the Senate in regard to the count of the electoral vote, the resolution was defeated. It received however the support of twenty-four Republican senators, some of them among the most prominent members of the body. Mr. Sumner, Mr. Chandler, Mr. Conkling, Mr. Cameron, Mr. Morton, Mr. Morgan, and Mr. Morrill of Vermont were among those who thought some record should be

made of the Senate's knowledge of the frauds in Louisiana, even if they were unable on strictly legal grounds to reject her electoral vote. Other Republican senators evidently thought, as they were unable legally to reject the vote, it was not wise to make any record on the question.

Subsequent investigation abundantly established the fact (of which at the time Congress did not possess legal knowledge) that the State of Louisiana had been carried for Mr. Seymour by shameless fraud, by cruel intimidation, by shocking violence. As incidental and unmistakable proof of fraud, it was afterwards shown from the records that in the spring election of 1868, in the parish of Orleans 29,910 votes had been cast, and that the Republicans had a majority of 13,973; whereas in the ensuing autumn, at the Presidential election, the returns for the same parish gave General Grant but 1,178 votes, while Mr. Seymour was declared to have received 24,668. In the parish of Caddo, where in the spring election the Republicans had shown a decided majority, General Grant received but one vote. In the parish of Saint Landry, where the Republicans had prevailed in the spring election by a majority of 678, not a single vote was counted for General Grant, the returns giving to Mr. Seymour the entire registered vote — 4,787. In other parishes the results, if less aggravated and less startling, were of like character, and the State, which the Republicans had carried, at an entirely peaceful election in the spring, by a majority of more than 12,000, was now declared to have given Mr. Seymour a majority of 47,000.

There was no pretense that there had been a revolution of public opinion in the State to justify these returns. It was not indeed denied that General Grant was personally far stronger before the people of Louisiana than any Republican candidate at previous State or Parish elections. The change was simply the result of fraud, and the fraud was based on violence. Various investigations ordered by Congress establish this view. "From these investigations," as was stated in a subsequent report, "it appears that over two thousand persons were killed, wounded, and otherwise injured in that State within a few weeks of the Presidential election of 1868; that half the State was overrun by violence, midnight raids, secret murders, and open riots, which kept the people in constant terror, until the Republicans surrendered all claims, and then the election was carried by the Democracy."

The same report states that in the parish of Orleans "riots pre-

vailed for weeks, filling New Orleans with scenes of blood, and Ku-Klux notices were scattered throughout the city warning the colored men not to vote." In the parish of Caddo, where as already stated only one vote was counted for General Grant, "there occurred one of the bloodiest riots on record, in which the Ku-Klux killed and wounded over two hundred Republicans, hunting and chasing them for two days and nights through fields and swamps. Thirteen captives were taken from the jail and shot, and a pile of twenty-five dead bodies was found buried in the woods." These atrocious crimes immediately preceded the election, and "having thus conquered the Republicans and killed and driven off their white leaders, the masses of the negroes were captured by the Ku-Klux, marked with badges of red flannel, enrolled in clubs, led to the polls and compelled to vote the Democratic ticket, after which they were given certificates of that fact."

One of the most alarming features connected with this series of outrages was the promptness with which Louisiana resorted to violence after her re-admission to the right of representation in Congress. Her senators and representatives had taken their seats in their respective Houses only the preceding summer, and her right to participate in the Presidential election was established at the same time. Within less than five months after her formal reconstruction, outrages which would be exceptional in the governments of Algiers or Egypt were committed in utter defiance of law, and without any attempt at punishment by the authorities of the State. Not to punish was in effect to approve.

As a mere question of figures, it is impossible that Mr. Seymour could have received the 80,225 votes with which he was credited. Indeed, his alleged majority of 47,000 over General Grant was greater than the total vote which the Democratic party could honestly cast in Louisiana. In the Presidential election of 1860, when circumstances tended to call every Democrat in the South to the polls, the united vote of Breckinridge and Douglas in Louisiana was but 30,306, while the total vote, including that given for John Bell, was but 50,510. In 1867 the entire registered white vote of Louisiana was but 45,199. The white voting population of the State, therefore, was certainly no larger in 1868 than in 1860 — if as large. It was not denied that since the close of the war a considerable number of white men had joined the Republican party; while it was not even claimed that a single negro voted the Democratic ticket in 1868, ex-

cept as he was led to the polls under the cover of Ku-Klux weapons, terrorized by the violence of that association of lawless men.

It amounts therefore to a mathematical demonstration, that nearly one-half of Mr. Seymour's vote was fraudulent; and of that fact concealment is no longer attempted from any respectable source. It has been matter of surprise to the cotemporaries of Mr. Seymour, that sensitive as he has shown himself on many occasions in regard to the record of his political life, he would consent, after investigation and exposure of the atrocities had been made, to remain in history without protest as the beneficiary of a vote that was demonstrably fraudulent in its character, — a vote that was tainted with crime and stained with the blood of innocent men. It is assuredly not to be presumed that violent acts and murderous deeds are less repulsive to Mr. Seymour than to any other refined and Christian gentleman. But his silence in respect to the wicked transactions of his supporters in Louisiana, when he was a candidate for the Presidency, has persuaded many honest-minded Democrats that the whole narrative of crime was a slander, concocted in the interest of the Republican party. It has served also a far more deplorable purpose, for it has in large measure aided in screening from public reprobation, and possibly from exemplary punishment, the guilty principals and the scarcely less guilty accomplices in the maiming and murder of American citizens, who were only seeking to exercise their Constitutional right of suffrage.

The Republican victory of 1866 led to the incorporation of impartial suffrage in the Reconstruction laws. The Republican victory of 1868, it was now resolved in the councils of the party, should lead to the incorporation of impartial suffrage in the Constitution of the United States. The evasive and discreditable position in regard to suffrage, taken by the National Republican Convention that nominated General Grant in 1868, was keenly felt and appreciated by the members of the party when subjected to popular discussion. There was something so obviously unfair and unmanly in the proposition to impose negro suffrage on the Southern States by National power, and at the same time to leave the Northern States free to decide the question for themselves, that the Republicans became heartily ashamed of it long before the political canvass had closed. When Congress assembled, immediately after the election

of General Grant, there was found to be a common desire and a common purpose among Republicans to correct the unfortunate position in which the party had been placed by the National Convention; and to that end it was resolved that suffrage, as between the races, should by organic law be made impartial in all the States of the Union — North as well as South.

Various propositions were at once offered, both in Senate and House, to amend the Constitution of the United States in order to attain impartial suffrage. It was both significant and appropriate that the draught proposed by Mr. Henderson of Missouri was taken as the basis of the Amendment first reported to the Senate. In the preceding Congress, when the Fourteenth Amendment was under consideration (in the spring of 1866), Mr. Henderson had proposed substantially the same provision, and had solemnly warned his Republican associates that though they might reject it then, it would be demanded of them in less than five years. This declaration was all the more suggestive and creditable, coming from a senator who represented a former slave-holding State. And it was not forgotten that Mr. Henderson had with equal zeal and equal foresight been among the earliest to propose the Thirteenth Amendment. Mr. Henderson's proposition, now submitted and referred to the Judiciary Committee, was in these words: "No State shall deny or abridge the right of its citizens to vote or hold office, on account of race, color, or previous condition." It was reported from the Judiciary Committee by Mr. Stewart of Nevada, with an amendment proposing another form of statement; namely, "The right of citizens of the United States to vote and hold office shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude."

During the debate on the question Mr. Hendricks of Indiana reproached the Republican party for forcing this question now upon Congress, when in the platform of principles upon which they appealed for popular support they had distinctly waived it, and when the Legislatures to which it must go for ratification had been elected without the slightest reference to it in the popular mind. In order to prevent what might seem to be an unfair submission of the Amendment, Mr. Dixon of Connecticut proposed that it should be referred to conventions in the respective States instead of to the Legislatures, and thus give to the people, in the election of members of the conventions, a full opportunity to pass upon the merits of the question.

It was contended on the other hand by Republican senators, that no subject had been more fully matured in the popular mind than this had been by the discussions which had taken place since the beginning, and especially since the close, of the war. But this was not a candid or truthful statement of the case, as had been abundantly shown by the action of the National Republican Convention. Only a few of the leaders of the party had openly announced themselves in favor of negro suffrage in the Nation; a few were openly hostile, while the great majority of the prominent members feared it and refrained from open expression in regard to it. The mass of the party, as is usual on questions of this character, had made their own conclusions, and their earnestness of conviction finally forced, if it did not persuade, the reluctant chiefs to adopt it. When they at last came to it, there was a natural disposition to represent it as one of the cardinal principles of the party. The Democratic criticisms, as to the time and method of presenting the Amendment, were well aimed and practically remained unanswered for the simple reason that no adequate or logical response could be made to them.

Mr. Garrett Davis of Kentucky charged that the Republican party, in proposing this Amendment, was simply seeking to perpetuate its power in the country; but on this point he was effectively answered by Mr. Wilson of Massachusetts. "The senator from Kentucky knows, and I know," said Mr. Wilson, "that this whole struggle to give equal rights and equal privileges to all citizens of the United States has been an unpopular one; that we have been forced to struggle against passion and prejudice engendered by generations of wrong and oppression; that we have been compelled to struggle against great interests and powerful political organizations. I say to the senator from Kentucky that the struggle of the last eight years to give freedom to four and a half millions of men who were held in slavery, to make them citizens of the United States, to clothe them with the right of suffrage, to give them the privilege of being voted for, to make them in all respects equal to the white citizens of the United States, has cost the Republican party a quarter of a million votes."

The House of Representatives had been considering the question of the suffrage amendment at equal step with the Senate. On the 11th of January Mr. Boutwell of Massachusetts, from the Committee on the Judiciary, proposed an Amendment to the Constitution in these words: "The right of any citizen of the United States to

vote shall not be denied or abridged by the United States or any State, by reason of the race, color, or previous condition of slavery of any citizen or class of citizens of the United States. — The Congress shall have power to enforce by proper legislation the provisions of this Article."

Mr. Boutwell made one of the strongest and most pointed arguments delivered in Congress for the adoption of the Fifteenth Amendment. He showed that by the Fourteenth Amendment we had declared that "all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside." "There are," said he, "citizens in Kentucky and Maryland eligible to-day to the office of President or Vice-President of the United States, yet who cannot vote for representatives in Congress, or even for a State, county or town officer. What is the qualification for the office of President? He must be a native-born citizen of the United States and thirty-five years of age. Nothing more! These are the only qualifications for the office of President. By the Fourteenth Amendment to the Constitution, we have declared that all the black men in Maryland and other States shall be citizens of the United States. Certain State governments have for the present denied those people the right to vote, and yet one of them is eligible to the Presidency of the United States and another to the Vice-Presidency. Is there such an anomaly in our Government? Are we prepared to admit its existence unless the Constitution imperatively requires it?"

The speech of Mr. Boutwell was answered by Mr. Beck of Kentucky and Mr. Eldridge of Wisconsin, their respective arguments resting mainly upon the propriety of leaving the regulation of suffrage within the power of the States, where it was originally left by the Constitution. After several ineffectual attempts to amend the Constitutional Amendment as reported from the Judiciary Committee, the House, on the 30th of January (1869), passed it by *ayes* 150, *noes* 42, not voting 31.

When the House Amendment reached the Senate it was at once taken up for consideration, and the Amendment which that body had been considering was laid aside. This was done for the purpose of expediting an agreement between the two branches. Numerous modifications and additions were then proposed, including the one originally reported by the Judiciary Committee. Every modification

or substitute failed, until Senator Wilson offered the following: "No discrimination shall be made in any State among the citizens of the United States in the exercise of the elective franchise, or in the right to hold office in any State, on account of race, color, nativity, property, education, or religious creed." Mr. Trumbull declared that the adoption of this Amendment would abolish the constitutions of perhaps all, certainly of half, the States of the Union. He then pointed out that the constitution of almost every State prescribed a qualification of age for the governor of the State, and of a certain length of residence, many of them requiring a natural-born citizen; and that the effect of Mr. Wilson's Amendment would be to level all the constitutions, and radically reverse the deliberate judgment of the people of the States who had ordained them. Serious objections were also made against prohibiting an educational test, as would be the effect of Mr. Wilson's Amendment. Mr. Wilson frankly avowed his hostility to an educational test, and declared that the one existing in Massachusetts had never proved valuable in any sense. Against all objections and arguments Mr. Wilson's Amendment was adopted by the Senate.

A proposition was now introduced and supported with equal zeal by Mr. Morton of Indiana and Mr. Buckalew of Pennsylvania, proposing an amendment to the pending resolution, which should in effect be a sixteenth amendment to the Constitution. Its aim was to take from the States the power now confided to them by the Constitution, to direct the manner in which electors of President and Vice-President shall be chosen. The declared motive for the change was to prevent the possibility of the electors being chosen by State Legislatures, as had been done in some cases, and to guarantee the certainty of a popular vote in their selection in every State of the Union. To insure this result it was proposed in the amendment that the entire power over the choice of electors should be transferred to Congress. After brief debate the amendment was agreed to,[1] and the

[1] The proposition of Messrs. Morton and Buckalew for a Sixteenth Article of Amendment was as follows: —

"The second clause, first section, second article of the Constitution of the United States shall be amended to read as follows: 'Each State shall appoint, by vote of the people thereof qualified to vote for representatives in Congress, a number of electors equal to the whole number of senators and representatives to which the State may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector; and the Congress shall have power to prescribe the manner in which such electors shall be chosen by the people.'"

two proposed articles, included under one resolution, were adopted by *ayes* 39, *noes* 16, and sent to the House for concurrence.

The House not being willing to accept the Senate's Amendments, refused by formal vote to concur, and asked for a conference. The Senate took the unusual step of declining a conference, promptly receded from its own Amendments, and sent to the House the original proposition of that body. The House, not to be outdone by the Senate in capricious change of opinion, now refused to agree to the form of amendment it had before adopted, and returned it to the Senate with the added requirement of nativity, property, and creed, which the Senate had originally proposed. The Senate in turn rejected all it had before proposed. The rule indeed seemed to be for each branch to desert its own proposition as soon as there was a prospect that the other branch would agree to it. The strange controversy was finally ended and the subject brought into intelligible shape by a conference committee, which reported the Fifteenth Amendment in the precise form in which it became incorporated in the Constitution. It received the sanction of the House by a vote far beyond the two-thirds required to adopt it, the *ayes* being 145, the *noes* 44. In the Senate the *ayes* were 39, the *noes* were 13. The action of Congress on the Amendment was completed on the 26th of February, six days before General Grant was installed in the Presidency.

The gradual progress of public opinion in the United States on questions relating to slavery and to the personal and political rights of the negro race, may be clearly traced in the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution.

— The Thirteenth Amendment, proposed by Congress while the war was yet flagrant, simply declared that neither slavery nor involuntary servitude shall exist within the United States or in any place subject to National jurisdiction.

— The Fourteenth Amendment advanced the negro to the status of a citizen, but did nothing affirmatively to confer the right of suffrage upon him. Negatively it aided him thereto, by laying the penalty of a decreased representation upon any State that should deny or in any way abridge his right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof.

— The Fifteenth Amendment, now proposed, did not attempt to de-

clare affirmatively that the negro should be endowed with the elective franchise, but it did what was tantamount, in forbidding to the United States or to any State the power to deny or abridge the right to vote on account of race, color, or previous condition of servitude. States that should adopt an educational test or a property qualification might still exclude a vast majority of negroes from the polls, but they would at the same time exclude all white men who could not comply with the tests that excluded the negro. In short, suffrage by the Fifteenth Amendment was made impartial, but not necessarily universal, to male citizens above the age of twenty-one years.

The adoption of the Fifteenth Amendment seriously modified the effect and potency of the second section of the Fourteenth Amendment. Under that section a State could exclude the negro from the right of suffrage, if willing to accept the penalty of the proportional loss of representation in Congress, which the exclusion of the colored population from the basis of apportionment would entail. But the Fifteenth Amendment took away absolutely from the State the power to exclude the negro from suffrage, and therefore the second section of the Fourteenth Amendment can refer only to those other disqualifications never likely to be applied, by which a State might lessen her voting population by basing the right of suffrage on the ownership of real estate, or on the possession of a fixed income, or upon a certain degree of education, or upon nativity, or religious creed. It is still in the power of the States to apply any one of these tests or all of them, if willing to hazard the penalty prescribed in the Fourteenth Amendment. But it is not probable that any one of these tests will ever be applied. Nor were they seriously taken into consideration when the Fourteenth Amendment was proposed by Congress. Its prime object was to correct the wrongs which might be enacted in the South, and the correction proposed was direct and unmistakable; viz., that the Nation would exclude the negro from the basis of apportionment wherever the State should exclude him from the right of suffrage.

When therefore the nation by subsequent change in its Constitution declared that the State shall not exclude the negro from the right of suffrage, it neutralized and surrendered the contingent right before held, to exclude him from the basis of apportionment. Congress is thus plainly deprived by the Fifteenth Amendment of certain powers over representation in the South, which it previously possessed under the provisions of the Fourteenth Amendment. Be-

fore the adoption of the Fifteenth Amendment, if a State should exclude the negro from suffrage, the next step would be for Congress to exclude the negro from the basis of apportionment. After the adoption of the Fifteenth Amendment, if a State should exclude the negro from suffrage, the next step would be for the Supreme Court to declare that the act was unconstitutional, and therefore null and void. The essential and inestimable value of the Fourteenth Amendment still remains in the three other sections, and pre-eminently in the first section.

The contentions which have arisen between political parties as to the rights of negro suffrage in the Southern States, would scarcely be cognizable judicially under either the Fourteenth or the Fifteenth Amendment to the Constitution. Both of those Amendments operate as inhibitions upon the power of the State, and do not have reference to those irregular acts of the people which find no authorization in the public statutes. The defect in both Amendments, in so far as their main object of securing rights to the colored race is involved, lies in the fact that they do not operate directly upon the people, and therefore Congress is not endowed with the pertinent and applicable power to give redress. By decisions of the Supreme Court, the Fourteenth Amendment has been deprived in part of the power which Congress no doubt intended to impart to it. Under its provisions, as construed by the Court, little, if any thing, can be done by Congress to correct the evils or avert the injurious consequences arising from such abuses of the suffrage as distinguished the vote of Louisiana in the Presidential election of 1868, and in the numerous flagrant cases which followed that baleful precedent of unrestrained violence and unlimited wrong. Those outrages are the deeds of individual citizens or of associated masses, acting without authority of law and in defiance of law. Yet when a vitiated public opinion justifies their course, and when indictment and conviction are impossible, the injured citizen loses his rights as conclusively as if the law had denied them, and indeed far more cruelly.

Undoubtedly a large proportion of the members of Congress, while following the lead of those who constructed the Fourteenth Amendment, sincerely believed that it possessed a far greater scope than judicial inquiry and decision have left to it. It is hazarding little to say that if the same political bodies which submitted the Amendment to the people could have measured both the need of its

application and the insufficiency of its power, it would have been seriously changed, and would have conferred upon the National Government the unquestioned authority to protect individual citizens in the right of suffrage, so far as that suffrage is used in the choice of officers of the United States. The opportunity was neglected and may never return. It is not at all probable that any political party will succeed in time of peace, upon financial and industrial issues, in electing two-thirds of the Senate and two-thirds of the House of Representatives. No further change in the Constitution of the Republic is probable therefore, within any period whose line of thought or action may now be anticipated with reasonable certainty; and if a sudden political convulsion should possibly give two-thirds of each branch of Congress to one political party, it would be found impracticable to propose any change in the Constitution, in the direction of enlarging the scope of liberty, that would be likely to secure the support of three-fourths of the States of the Union.

The Constitutional Amendments were proposed and adopted under the belief that they would be honorably observed and enforced in all the States alike. The presumption was certainly in favor of that loyal obedience to the organic law of the Republic without which Anarchy has already begun its evil work. If however, by reason of infidelity to Constitutional provisions in some sections, if by violence in resisting them in others, it be suggested that they should have been drawn with greater circumspection, with a broader comprehension of all the contingencies of the future, the fact yet remains that they are of priceless value to the Government and the people. They have added largely to the muniments of personal liberty; they have immeasurably increased the just power of the National Government; they have exerted a constantly growing force against the spirit that organized the Rebellion; they have strengthened the bonds of the Union against every form of danger which it has hitherto encountered.

Without the Fourteenth and Fifteenth Amendments, the Thirteenth would have proved of little value to the oppressed race which it declared to be free. In every step taken after the simple article of emancipation was decreed, the Republicans who controlled the Government met with obstacles from without and from within. There were thousands in their own ranks who did not wish the negro advanced to citizenship; there were tens of thousands who

were unwilling to see him advanced to the elective franchise. But happily there were hundreds of thousands who plainly saw that without the rights of citizenship his freedom could be maintained only in name, and that without the elective franchise his citizenship would have no legitimate and (if the phrase be allowed) no automatic protection.

To the brave men who led the Republican party to its duty and its mission, who overcame the numbers of the opposition, who lifted their associates from the slough of prejudice and led them out of the darkness of tradition, let there be all honor and praise. They gave hope to the hopeless, help to the helpless, liberty to the downtrodden. They did more: they elevated the character and enlightened the conscience of the oppressing race. The struggle is not yet ended, the final battle is not fought; but complete victory sooner or later is assured. The three great Amendments to the Constitution were bought with a great price — even the blood of the slain — and they will assuredly, in their letter and in their spirit, be vindicated and enforced. Mr. Lincoln taught his countrymen the lesson that he who would be no slave must be content to have no slave. It is yet to be learned with equal emphasis that he who would preserve his own right to suffrage must never aid in depriving another citizen of the same great boon. In moral as in physical conflicts it may be easy to determine who strikes the first blow, but it is difficult to foresee who may strike the last.

CHAPTER XVII.

Inauguration of General Grant for First Term. — Popular Enthusiasm. — His Inaugural Address. — Approves Fifteenth Amendment. — Announcement of his Cabinet. — General Surprise. — E. B. Washburne. — Jacob D. Cox. — E. Rockwood Hoar. — John A. J. Creswell. — Alexander T. Stewart. — Ineligible. — Name withdrawn. — George S. Boutwell appointed. — Adolph E. Borie. — Hamilton Fish. — George M. Robeson. — General Schofield. — General Rawlins. — General Belknap. — General of the Army. — The Succession. — Sherman appointed. — Lieutenant-General. — Sheridan appointed. — Halleck. — Meade. — Thomas. — Hancock. — Congress convenes. — Election of Speaker. — Mr. Blaine chosen. — Mr. Kerr the Democratic Candidate. — Various Members. — Mr. Wheeler. — Mr. Potter. — Judge Noah Davis. — General Slocum. — Mr. Hale. — Thomas Fitch. — The Pennsylvania Delegation. — Mr. S. S. Cox. — Mr. George F. Hoar. — New Era politically under President Grant. — The Opposition Party in the House. — Its Strong Leaders. — Their Manly Character.

GENERAL GRANT was inaugurated on Thursday, the 4th of March, 1869, amid a great display of popular enthusiasm. All parties joined in it. The Republicans, who had been embarrassed by President Johnson's conduct for the preceding four years, felt that they had overcome a political enemy rather than a man whom they had themselves placed in power; and the Democrats, who had supported Johnson so far as was necessary to embarrass and distract the Republicans, were glad to be released from an entangling alliance which had brought them neither profit nor honor. Contrary to the etiquette of the occasion, the incoming President was not escorted to the Capitol by his predecessor. The exceptions to this usage have been few. John Adams was so chagrined by the circumstances attending his defeat that he would not remain in Washington to see Mr. Jefferson installed in power; and the long-established hatred which General Jackson and John Quincy Adams so heartily entertained for each other forbade any personal intercourse between them. General Grant had conceived so intense a dislike of Johnson, by reason of the effort to place him in a false position in connection with the removal of Stanton, that he would not officially recognize

his predecessor, even so far as to drive from the White House to the Capitol in the same carriage.

The Inaugural Address of the President was brief and characteristic. "I have," said he, "taken the oath of office without mental reservation, and with the determination to do to the best of my ability all that it requires of me. The responsibilities of the position I feel, but accept them without fear. The office has come to me unsought. I commence its duties untrammelled. I bring to it a conscientious desire and determination to fill it to the best of my ability, and to the satisfaction of the people." He declared that on all subjects he should have "a policy to recommend, but none to enforce against the will of the people. Laws are to govern all alike, — those opposed as well as those who favor them. I know of no method to secure the repeal of bad or obnoxious laws so effective as their stringent execution." He was very emphatic upon the duty and necessity of upholding the public credit and paying the public debt. "Let it be understood," said he, "that no repudiator of one farthing of our public debt will be trusted in public place, and it will go far to strengthen our public credit, which ought to be the best in the world." "The question of suffrage," he said, "is one which is likely to agitate the public so long as a portion of the citizens of the Nation are excluded from its privileges in any State. It seems to me very desirable that this question should be settled now; and I entertain the hope and express the desire that it may be by the ratification of the Fifteenth Amendment to the Constitution."

General Grant had never been in any way connected with the civil administration of Nation or State. The charge of being a mere military chieftain had been in vain preferred against some of his most illustrious predecessors; but with the possible exception of General Taylor, no President ever came to his office with so little previous experience in civil affairs. Washington's fame, prior to his accession to the Presidency, rested mainly on his victorious leadership of the Revolutionary army; but he had, as a young man, served in the Provincial Assembly of Virginia, had been a member of the Continental Congress, and had, after the close of his military career, presided over the convention that framed the Constitution. Jackson was chosen President on account of his campaign in the South-West, ending in his brilliant triumph at New Orleans; but his experience in civil life had already been long and varied. He entered Congress as a representative from Tennessee when Wash-

ington was President, took his seat in the Senate of the United States the day John Adams was inaugurated, and afterwards served as a judge of the Supreme Court of Tennessee. All these civil duties had been performed before he received a military commission. After his stormy career in the army had ended, he was again sent to the Senate during the second term of President Monroe. President Taylor, like General Grant, had been simply a soldier; but the people remembered that his service in the Executive Chair was faithful, resolute, and intelligent; and they remembered also that some of the greatest military heroes of the world had been equally distinguished as civil rulers. Cromwell, William III., Frederick the Great, the First Napoleon, left behind them records of civil administration which for executive force and personal energy established a fame as great as they had acquired on the field of battle. The inexperience of General Grant had not therefore hindered his election, and left no ground for apprehension as to the successful conduct of his administration.

The President had so well kept his own counsels in regard to the members of his Cabinet that not a single name was anticipated with certainty. Five of the appointments were genuine surprises.

— Elihu B. Washburne, long the faithful friend of General Grant, was nominated for Secretary of State. He had just entered upon his ninth term as representative in Congress from Illinois, and resigned immediately after swearing in Mr. Blaine as Speaker, — a duty assigned to him as the oldest member of the House in consecutive service. He was elected to Congress in 1852, from the Galena district, and his first term began on the day Franklin Pierce was inaugurated President. His period of service was crowded with events of great magnitude, commencing with the repeal of the Missouri Compromise, and ending with the elevation to the Presidency of the chief hero in the great civil war, to which that repeal proximately led. During all these years Mr. Washburne was an aggressive, courageous, faithful representative, intelligent in all his actions, loyal to the Nation, devoted to the interests of his State.

— Jacob D. Cox of Ohio, who had acquired credit in the war, and added to it by his service as Governor of his State, was nominated for Secretary of the Interior, and was universally considered to be an admirable selection. His thorough training and his intellectual strength fitted him for any station.

— E. Rockwood Hoar of Massachusetts was named for Attorney-

General. His learning as a lawyer had been previously recognized by his appointment to the Supreme Bench of his State, — a bench always eminent for the legal ability and personal character of its members, and for the value of its decisions. Outside of his mere professional sphere, Judge Hoar was known as a man of generous culture, varied knowledge, and the keenest wit. In party relations he had originally been an anti-slavery Whig, and was prominent and influential in organizing the Republican party.

— John A. J. Creswell of Maryland was nominated for Postmaster-General. He was the best living representative of those loyal men of the Border States who had proved a tower of strength to the Union cause. He was the confidential friend, the eloquent eulogist, of Henry Winter Davis, and had by service in both House and Senate won general recognition as a man of ability and great moral courage.

These four appointments met with general approbation. If their names had not all been anticipated, they were nevertheless welcome to the great mass of the Republican party. Two other nominations created general astonishment. Alexander T. Stewart, the well-known merchant of New York, was named for Secretary of the Treasury; and Adolph E. Borie of Philadelphia, long known in that city as a man of probity and wealth, was named for Secretary of the Navy. No new nomination was made for Secretary of War, and the hope with many was that General Schofield might be continued in a place whose duties he had so faithfully and so successfully discharged.

The President was very anxious to have Mr. Stewart in his Cabinet, and was therefore surprised and chagrined to find, after he had been nominated, that under the law he was not eligible to the office of Secretary of the Treasury. In the Act establishing the Treasury Department, passed at the first session of the First Congress under the Federal Government, it was provided that no person could be appointed secretary, assistant secretary, comptroller, auditor, treasurer, or register, who was "directly or indirectly concerned or interested in carrying on the business of trade or commerce." It was further provided that any person violating this Act should be deemed guilty of a high misdemeanor, and upon conviction, fined three thousand dollars, removed from office, and forever thereafter rendered incapable of holding any position under the Government of the United States. General Grant frankly informed the Senate that he had ascertained Mr. Stewart's disability after the nomination, and

suggested that "in view of these provisions of law and the fact that Mr. Stewart has been unanimously confirmed by the Senate, he be exempted, by joint resolution of the two Houses of Congress, from the operation of the law."

As soon as the President's message was read, Mr. Sherman of Ohio asked "unanimous consent to introduce a bill repealing so much of the Act of September 2, 1789, as prohibits the Secretary of the Treasury from being concerned in carrying on the business of trade or commerce; and providing instead that in no case shall he act on any matter, claim, or account in which he is personally interested." Mr. Sumner objected to the introduction of the bill, suggesting that it ought to be "most profoundly considered before it is acted upon by the Senate." These proceedings were on Saturday, March 6th. On Monday Mr. Sherman did not call up the bill, it having been ascertained in private conferences that the Senate was unwilling to pass it. On Tuesday General Grant withdrew the request, Mr. Stewart resigned, and Hon. George S. Boutwell was nominated and confirmed as Secretary of the Treasury.

Mr. Boutwell was at that time fifty-one years of age. He had enjoyed a large experience in public affairs. He had served seven years in the Massachusetts Legislature, had been Bank Commissioner, Secretary of the Board of Education, a member of the Constitutional Convention of 1853, and Governor of the Commonwealth. Under the National Government he had been Commissioner of Internal Revenue, and six years a representative in Congress. He was an industrious student, a strong debater, possessed of great capacity for work, and had always maintained a spotless reputation.

The surprises in connection with General Grant's Cabinet were not yet ended. A week after the inauguration Secretary Washburne resigned, and a few days later was appointed Minister to France. He was succeeded in the State Department by Mr. Hamilton Fish of New York. Mr. Fish was a member of one of the old Knickerbocker families. He had inherited wealth, was of the highest social rank, and enjoyed in a marked degree the confidence and respect of his fellow-citizens. He was bred to the law, and as a young man took deep interest in political affairs, earnestly attaching himself to the fortunes of Mr. Clay in his contest against General Jackson, and having the great advantage of Mr. Webster's personal friendship. He had served in both branches of the New-York Legislature, was a representative from New-York City in the

Twenty-eighth Congress, was chosen Governor of his State in 1848, and in 1851 succeeded Daniel S. Dickinson in the United-States Senate, where he served for a full term as the colleague of Mr. Seward. At the close of his senatorial service he was but forty-eight years of age, and by his own wish retired from all participation in political affairs, though he heartily united with his fellow-Republicans of New York in the effort to nominate Mr. Seward for the Presidency in 1860. It was therefore an almost equal surprise to the country that General Grant should call Mr. Fish from his retirement, and that Mr. Fish, at sixty years of age, should again be willing to enter the political field. His career as Secretary of State was fruitful in good works. He was throughout the eight years of his service devoted to his official duties, and it was his good fortune to be connected with public events of exceptional importance. He brought great strength to the Cabinet of General Grant, and added in many ways to the prestige and power of the administration.

The changes in the Cabinet continued. Immediately after Mr. Washburne's resignation as Secretary of State, General Schofield retired from the War Department, and was succeeded by General John A. Rawlins, who had been chief of staff to General Grant during some of his most important campaigns. General Rawlins was born in Galena, and was a personal friend of General Grant before the outbreak of the war. He was a lawyer, but had held no civil position, and entered the Cabinet with only a military experience. He was in ill health, and died in the following September, when General Sherman succeeded him as Secretary *ad interim*, and administered the affairs of the War Department until the appointment of General Belknap at the close of October.

Mr. Borie, though gratified with the compliment of being called to the Cabinet, had no aptitude or desire for public affairs. He urgently requested General Grant to accept his resignation, and in June, three months after his appointment, he was succeeded by Mr. George M. Robeson. Mr. Robeson was connected with some of the old families of New Jersey that became especially distinguished in the Revolutionary war. He received a thorough intellectual training in his youth, and graduated at Princeton College in 1847. He studied law in the office of the Chief Justice of his State, and came to the bar under the most favorable auspices. He began practice as soon as he had attained his majority, and rapidly advanced in his profession. At thirty-six years of age he was

appointed Attorney-General of his State, and discharged the duties of that important office with an ability which justly added to his legal reputation. He has displayed great power in arguing questions of Constitutional Law. While engaged in the Attorney-Generalship he was appointed Secretary of the Navy by President Grant. He was then thirty-nine years of age, and beyond his legal learning was a man of literary taste and general knowledge of affairs. Mr. Fish and Mr. Robeson were the only members of General Grant's Cabinet appointed the first year of his administration, who served throughout his Presidency.

General Grant would not resign his military commission in season for President Johnson to control the Army changes which would follow. There was no dispute about his immediate successor. Not only the rank, but the illustrious services, the high personal character, and the popular estimate of Lieutenant-General Sherman established his right to the promotion. But discussion arose in army circles and among the people as to the Lieutenant-Generalship. Those holding the rank of Major-General were five in number, — Henry W. Halleck, whose commission bore date August 19, 1861; George G. Meade, August 18, 1864; Philip H. Sheridan, November 8, 1864; George H. Thomas, December 15, 1864; and Winfield S. Hancock, July 26, 1866. The President had the right under the law to fill the office of Lieutenant-General by selection, and he was not bound even by usage to regard any claim based only upon seniority of commission.

General Halleck's distinction had not been won by service in the field. He was a graduate of West Point with a good record in the Mexican war. He was appointed Major-General at the outbreak of the Rebellion on account of his well-known ability and the presumption of his fitness for high command — a presumption which proved not to be well founded. Meade had gained his commission by the splendid victory at Gettysburg. Sheridan, besides earning his commission by his brilliant success in the valley of Virginia, had been personally and most impressively commended by President Lincoln: his success was in fact political as well as military, for it totally destroyed General McClellan as a candidate for the Presidency. Thomas had received his promotion on account of the great

victory at Nashville, without which Sherman might have been seriously embarrassed in his march to the sea. General Hancock was commissioned after the war for general efficiency as a soldier and for heroism on many battle-fields. No task could be more invidious than to decide between officers of merit so marked. If Mr. Johnson could have had the opportunity, it was well known that he would appoint Thomas to succeed General Sherman; not so much from love of Thomas as from hatred of Sheridan, — a hatred which did honor to Sheridan. It was the fixed purpose of General Grant to defeat this; not from unfriendliness towards Thomas, but from a profound admiration of the military genius of Sheridan, quickened by a very strong personal attachment to him.

There was no little discussion as to the relative claims of Sheridan and Thomas. Sheridan undoubtedly ranked Thomas in command, while Meade outranked both. General Meade however was not put in rivalry with these two distinguished officers. Not rated so high in military skill as at least four other commanders of the Army, it had happened to General Meade to meet the chief commander of the rebel army on the most critical battle-field of the war, and to win a victory which may well be termed the turning-point in the civil struggle. The only battle fought on the soil of a Northern State, it was quite natural that an extraneous interest should attach to Gettysburg, and it is almost the only field of the war which steadily attracts the visits of tourists and patriots alike.

In the end there was no doubt complete satisfaction in the Army and among the people at large with the promotion of Sheridan, which was ordered by President Grant the very day of his inauguration, directly after Sherman had been gazetted as General. There was at the same time a strong popular desire that the heroic achievements of Meade and Thomas should be marked by some form of National recognition; not, however, in any way to interfere with the just reward of Sheridan. The proposition to make three Lieutenant-Generals was canvassed in military and Congressional circles; but the general aversion to a large military establishment in time of peace prevented its favorable consideration, and these eminent soldiers received no attention or favor from Congress after their work had been crowned with success by the suppression of the Rebellion and the complete restoration of the Union. Thomas left Washington soon after President Grant's inauguration to take command of the Department of the Pacific. He was disappointed in his expec-

tations and depressed in feeling. He died suddenly a year later (March 28, 1870) at the age of fifty-four. His death was noticed in a peculiarly impressive manner by a meeting of the two branches of Congress in the Hall of Representatives, to hear addresses commemorative of his character. General Meade, born a year earlier, survived him for a brief period, — dying November 6, 1872. He had evinced no dissatisfaction with the measure of his reward, and had been especially gratified by the privilege of maintaining his headquarters in Philadelphia (from which city he was originally appointed to the Army) and of passing his closing years on the soil of the noble State with which his fame is inseparably associated.

Peculiar circumstances surrounded the career of Thomas, imparting great interest and enlisting on his behalf a strong affection among the loyal people of the Nation. The popular regret that he had not been appropriately recognized by the National Government for his great services, was deepened by his untimely death. The regard usually felt by soldiers for their successful leader was exceptionally strong in his case, and manifested itself in many acts of personal devotion. He was commended to popular favor by his steadfast loyalty to the Union, when he was subjected to all the temptations and all the inducements which had led Lee and Johnston into the rebellion. He, like them, was born in Virginia, was reared in Virginia, was appointed to the army from Virginia; but in the hour of peril to the Government he remembered that he was a citizen and soldier of the United States, and had sworn to uphold the Constitution. How well he maintained his faith to his country is written in the history of great battles and great victories!

The grade of General of the Army, originally provided for Washington in 1799, was revived for the avowed purpose of honoring General Grant. As originally reported, the Act was to be exhausted with one appointment; but this provision was struck out and the grade was left open for General Sherman. It was then abolished, leaving to Sheridan the command of the Army as Lieutenant-General (after the retirement of General Sherman), and to his successor with the rank of Major-General, — thus ultimately establishing the command as it had existed before the war. The Act under which General Grant received his highest rank authorized the President "whenever he shall deem it expedient, to appoint a General of the Army of the United States." The Act passed July 25, 1866, and General Grant was immediately promoted. A year and a half later, when General

Grant had broken all personal relations with President Johnson, there is little doubt that the latter would have interposed his discretion and failed to "deem it expedient to appoint a General of the Army of the United States." Fortunately his disposition at the time was friendly to General Grant, and led him to do with gladness what the loyal people so unanimously desired for the first soldier of the Nation.

The Forty-first Congress was the second to organize under the new law — March 4th 1869.[1] In the House James G. Blaine of Maine was elected Speaker, receiving 135 votes to 57 cast for Michael C. Kerr of Indiana. Of the two hundred and forty-three representatives on the roll, only ninety-eight had served in the preceding Congress. Among the one hundred and forty-five new members were some men who afterwards became widely and favorably known to the country.

— William A. Wheeler, who had been a member of the Thirty-seventh Congress, now returned from his native district, the most northerly of New York. He possessed admirable traits for a legislator; being a conscientious worker, intelligent in the business of the House, and implicitly trusted by his fellow-members. He was a lawyer and a man of affairs, — engaged at one time in banking, and for many years president of an important railroad company. He was well trained for legislative duty, — having served with distinction in both branches of the New-York Legislature and having been a member of the State Constitutional Convention of 1867. Not prominent as a debater, he yet spoke with directness and fluency, and was always listened to by the House. In all respects he was an admirable representative, watchfully caring for the public interests.

— His Democratic colleague, Clarkson Nott Potter, from the Westchester district, entered the House at forty-four years of age. The son of Bishop Alonzo Potter and grandson of President Nott of Union College, he had the right by inheritance to the talents with which he was endowed. After leaving college he devoted himself to civil engineering, intending to adopt it as his profession, but his tastes soon inclined him to the law. He was admitted to the bar of New York in 1847 and in a few years acquired a practice from which

[1] For complete membership of Forty-first Congress, see Appendix D.

he derived a handsome fortune. He was well adapted to Parliamentary life and promptly acquired high rank in the House. So unfailing were his courtesy and kindliness that his personal influence was as great with the Republicans as with the Democrats, among whom almost from the day of his entrance he was accorded a leading position.

— Noah Davis took his seat as representative from the strong Republican district of Monroe and Orleans in Western New York. He early attained distinction at the bar and had just left the Supreme Bench of his State, where he had served for eleven years with eminent credit. That high dignity had been conferred upon him before he was forty years of age. He did not find service in the House congenial and promptly abandoned all thought of a legislative career. This was sincerely regretted by his personal friends, who had knowledge of his ability and foresaw brilliant success for him should his ambition lead him to remain in Congress. His subsequent service on the Supreme Bench of New York has added to an already exalted reputation.

— Henry W. Slocum, who now came as a Democratic representative from the city of Brooklyn, was a graduate of West Point in the class of 1852, but remained in the Regular Army only about four years. After his resignation he studied law and was admitted to the bar in Syracuse. When the civil war broke out he joined the Volunteers and rose to high rank. He was appointed a Major-General and placed in command of a corps. His record as an officer was without blemish. Though allied with the Democracy, he was not a bitter partisan, and his course in the House was that of an enlightened and liberal man.

— Eugene Hale entered the House from Maine in his thirty-third year. He began the practice of law as soon as he attained his majority, and was almost immediately appointed county attorney, — a position which he held for nine years. His success at the bar was very marked. Preceding his election to Congress he served in the State Legislature and took a leading position in a body of able men. In the House of Representatives he rose rapidly in the estimation of his associates and was recognized as a sound and careful legislator, of great industry in the committee-room, and of decided ability as a debater. He exhibited an exceptional clearness of statement and power of analysis. He possesses the peculiar tact and aptitude which insure a successful career in a Parliamentary body. He has

always been fond of books, and has constantly grown in knowledge and in mental discipline.

The Pennsylvania delegation received some valuable accessions. Washington Townsend of the Chester district brought to his public duties a large experience in affairs, a good standing at the bar, with the common sense, integrity, and trustworthiness found so generally in the Society of Friends. — John B. Packer, a man of sturdy character and strong parts, came from the Dauphin district. — John Cessna of the Bedford district had served many years in the Legislature of Pennsylvania, had been twice Speaker of the House of Representatives in that State, and had given much attention to Parliamentary law. — William H. Armstrong from the Lycoming district, was a graduate of Princeton, a lawyer, and extensively engaged in business. — James S. Negley, from one of the Pittsburg districts, had served in the Mexican war when only twenty years of age, and at the outbreak of the Rebellion was appointed a Brigadier-General in the Volunteer service. He joined General Sherman in the South-West in the autumn of 1861 and fought through the war, attaining an excellent reputation, and being rewarded with the rank of Major-General. — Daniel J. Morrell of the Johnstown district, who entered the preceding Congress, had grown rapidly in his standing in the House, and, next to Judge Kelley, was quoted as an authority upon all industrial questions.

George W. McCrary and F. W. Palmer of Iowa, Jacob A. Ambler and William H. Upson of Ohio, Horatio C. Burchard and John B. Hawley of Illinois, and Stephen W. Kellogg of Connecticut, were among the members who rose to rank and usefulness in the House. — Gustavus A. Finkelnburg, a young German who spoke English without the slightest accent, came from one of the St. Louis districts and rapidly gained the respect and confidence of all who were associated with him. — S. S. Burdette, a man of force and readiness as a debater, was one of his colleagues, as was also Erastus Wells, a Democrat of character and popularity.

— Omar D. Conger of Michigan was a well-trained debater before he entered the House, and at once took a prominent position in its deliberations. He illustrated the virtue of persistence in its highest degree, and had the art of annoying his opponent in discussion to the point of torture. — John Beatty of Ohio, who had served a brief period in the preceding Congress, now appeared for a full term. He had an excellent record as a soldier, was a successful man of affairs,

and was endowed with a firmness of purpose which could not be overcome or changed. — James N. Tyner of Indiana, before entering the House, had been an official of the Post-Office Department, and possessed a thorough acquaintance with the details of the postal system of the United States. His knowledge gave him prominence at once in an important field of legislation, and aided him in promptly securing the attention and respect of the House.

— Thomas Fitch of Nevada was one of the noticeable figures on the Republican side of the House. Born and educated in New York, he was an editor in Wisconsin, a merchant in Missouri, a miner on the Pacific slope, an editor in San Francisco, a member of the California Legislature, a delegate in the Constitutional Convention of Nevada, reporter of the Supreme Court of that State, elected to Congress — all before he was thirty years of age. The singular variety of his career could hardly be paralleled outside of the United States. If his industry had been equal to his natural gifts he would have been one of the first orators in the country.

— Samuel S. Cox had served eight years in the House from Ohio (1857 to 1865) as the representative of the Columbus district. At the close of his last term he went to New York and engaged in the practice of law in company with Mr. Charlton Lewis, a man of brilliant attainments and one of the most accomplished graduates of Yale. But it was not possible for Mr. Cox to keep out of the political field. His talent for the stump, his ready wit, and, above all, his good nature and good sense, commended him to the New-York Democrats, and he appeared in the Forty-first Congress from one of the city districts. He has been a model of industry. In all the pressure of Congressional life, to the duties of which he has given assiduous attention, he has devoted much time to literature and has published several original and entertaining books.

The Republican representatives from the South were in part natives of the States which sent them to Congress. Of this class Oliver H. Dockery of North Carolina was the leading man. Of those who had gone to the South after the war the most conspicuous were Lionel A. Sheldon of Louisiana, George C. McKee of Mississippi, Alfred E. Buck and Charles W. Buckley of Alabama. Horace Maynard fairly represented both classes, for although a native of Massachusetts he had lived in Tennessee for nearly a quarter of a century before the war, and was in all respects identified with the interests of the South, and to a large extent shared its prejudices.

But he would not join in secession and turned from a supporter of slavery to be a radical Republican. He was a man of considerable ability and great moral worth. He was a valuable representative of his State after the war.

— The Worcester District of Massachusetts sent George Frisbie Hoar as its representative. He is the son of Samuel Hoar, who was honorably conspicuous in the early days of the anti-slavery struggle. His mother was a daughter of the illustrious Roger Sherman, a signer of the Declaration of Independence. Mr. Hoar is a graduate of Harvard College and of the Dane Law School. For twenty years after admission to the bar he gave his time and his energy to professional pursuits, uninterrupted by any political engagements, except a single term in each branch of the Massachusetts Legislature. He began service in the House of Representatives in the full vigor of manhood in the forty-third year of his age, keenly alive to the great interests at stake in the Nation, admirably equipped and disciplined for his duties.

Eminent in his profession, successful in his political career, Mr. Hoar superadds accomplishments which neither the practice of law nor participation in public affairs can give. He has been a student of history, has cultivated a taste for literature, and has acquired a mass of information which proves that his superb private library has not been gathered in vain. In certain fields of learning Mr. Hoar has few peers. It may, indeed, be questioned whether his knowledge of our Colonial and Revolutionary history does not surpass that of any contemporary. Nor has he been content with the mere mastery of details, with the collection of facts and incidents. He has studied their relations and their interdependence, has analyzed their causes and comprehended their effects. Of New England in its Provincial period he could narrate "the rise of religious sects, the manners of successive generations, the revolutions in dress, in furniture, in repasts, in public amusements," even more accurately than Macaulay presented the same features of the same time in Old England. Mr. Hoar has studied the era with a devout enthusiasm for the character of the people, — a people from whom he is proud to claim his own descent, and whose positive virtues (even with the spice of acridness which distinguished them) are faithfully reproduced in his own person.

In truth Mr. Hoar is a Puritan, modified by the religious progress of two centuries, but still a Puritan — in manners, in morals, in deep

earnestness, in untiring energy. He is independent without self-assertion, courageous without bravado, conscientious without Pharisaism. In intellectual power, amply developed and thoroughly trained, in force as a debater, both forensic and Parliamentary, Mr. Hoar is entitled to high rank. And his rank will steadily increase, for his mind is of that type which broadens and strengthens by conflict in the arena of discussion.

There was a feeling common to both sides of the House that a new political era had begun with the inauguration of President Grant. Perhaps no one could have accurately defined what was expected, but every one knew that the peculiar conflicts and troubles which had distinguished the years of Mr. Johnson's administration would not be repeated. General Grant's tendencies were liberal and non-partisan, though he recognized an honorable allegiance to the Republican party, which had placed him in power. Many of his personal friends were among the Democrats, and the first few months of his administration promised peace and harmony throughout the country. General Grant had never engaged in a partisan contention, had cast no vote since the outbreak of the war, and was therefore free from the exasperating influence of political controversy. The Democratic members of the House shared fully in the kindly feeling towards the new President. They were in a minority, but among them was a large proportion of able men — men of experience and great skill in debate. It is seldom that the opposition party has such a list of champions as appeared on the Democratic side of the House in the Forty-first Congress. Beck of Kentucky, Randall and Woodward of Pennsylvania, Marshall of Illinois, Brooks, Wood, Potter, Slocum, and Cox of New York, Kerr, Niblack, Voorhees, and Holman of Indiana, Eldridge of Wisconsin, Van Trump and Morgan of Ohio, unitedly presented a strong array of Parliamentary ability. In different degrees they were all partisans, but of a manly type. Earnest discussion and political antagonism were not allowed by them to destroy friendly relations.

CHAPTER XVIII.

Senate in the Forty-first Congress. — Hannibal Hamlin elected for the Fourth Term. — Matthew H. Carpenter. — His Double Load of Work. — Carl Schurz. — Allen G. Thurman. — William G. Brownlow. — Thomas Francis Bayard. — Governor Fenton. — William A. Buckingham. — Daniel D. Pratt. — John Scott. — John P. Stockton. — Southern Representation Complete. — Character of Senators and Representatives. — Unjust Abuse. — Southern Resistance to Carpet-bag Rule. — Admission of a Colored Senator. — Hiram R. Revels of Mississippi. — Successor to Jefferson Davis. — The Moral of it. — President Grant and the Tenure-of-office Act. — House votes to repeal the Act. — Delay in Senate. — Position of Mr. Trumbull, Mr. Edmunds and Mr. Schurz. — Disagreement between Senate and House. — Conference Committee. — Practical Repeal of the Act. — Death of William Pitt Fessenden. — His Character.

THE changes in the Senate on the 4th of March, 1869, were notable in the character both of the retiring and incoming members.

— Hannibal Hamlin from Maine, entered the Senate for the fourth time. His first election in 1848, to fill out the term of ex-Governor Fairfield, was for three years. He resigned at the close of his second term to accept the governorship of his State, and midway in his third term he was promoted to the Vice-Presidency. From his earliest participation in public life Mr. Hamlin enjoyed an extraordinary popularity. Indeed, with a single exception, he was never defeated for any office in Maine for which he was a candidate. In the great Whig uprising of 1840 he was the Democratic candidate for Congress in the Penobscot district, and was beaten by Elisha H. Allen, afterwards widely known as Chief Justice of Hawaii and Minister from that kingdom to the United States. The candidates were warm personal friends before and after the contest.

— Matthew H. Carpenter succeeded Mr. Doolittle as senator from Wisconsin. He was forty-five years of age and had gained high reputation as a lawyer. He had become well known at the National Capital by his appearance in the Supreme Court, and from his

employment by Secretary Stanton, during the war, in some government cases of importance. He was a native of Vermont, but his active career was in the North-West. His ambition as a lad was for the army; and he spent some time at West Point, but left without graduating, and devoted himself to the law. He completed his studies in the office of Mr. Choate in Boston, and began the practice of his profession in Wisconsin. Not long after his settlement in his new home, he lost his sight from over-use of his eyes in study, and for a period of three years was entirely blind. Judge Black, his intimate friend and eulogist, believed that this appalling calamity wrought Mr. Carpenter great good in the end: "It elevated, refined, strengthened all his faculties. Before that time much reading had made him a very full man: when reading became impossible, reflection digested his knowledge into practical wisdom. He perfectly arranged his storehouse of facts and cases, and pondered intently upon the first principles of jurisprudence."

His service in the Senate may rather be termed brilliant than useful. The truth is that Mr. Carpenter attempted to do what no man can accomplish: he tried to maintain his full practice at the bar, and discharge his full duties as senator at the same time. His strength was not equal to the double load. He was endowed with a high order of ability. If he had given all his time to the Senate, or all to the Bar, he would have found few peers in either field of intellectual combat. Aside from the weight of his argument, his manner of speech was attractive. He had an agreeable voice, precisely adapted in volume and tone to the Senate Chamber. He was affluent in language, graceful in manner, and, beyond all, was gifted with that quality — rare, indefinable, but recognized by every one — which constitutes the orator.

— Carl Schurz now took his seat as a senator from Missouri. He was born a Prussian subject, and had just completed his fortieth year. He had been well educated in the gymnasium at Cologne, and in a partial course at the university of Bonn. Though retaining a marked German accent, he quickly learned to speak English with fluency and eloquence, and yet with occasional idiomatic errors discernible when his words are printed. He took active part before German audiences, for Frémont, in the Presidential canvass of 1856, and began to make public addresses in English in 1858, when he espoused the cause of Mr. Lincoln in the famous contest with Douglas. He was widely sought as a speaker in both of Mr.

Lincoln's contests for the Presidency, 1860 and 1864. In the latter year he was especially forcible, attractive, and effective. Subsequently he fell off, apparently in strength, certainly in popularity. As a lecturer he lost his hold upon the lyceum, and as a political orator he began to repeat himself, not merely in sense but in phrase. As a senator he did not meet the expectation of his friends. His failure was in large part due to the fact that he has not the power of speaking *extempore*. He requires careful and studious preparation, and has never attained the art of off-hand parliamentary discussion, which Colonel Benton likened to "shooting on the wing." So deficient is Mr. Schurz in this talent, that he has been known to use a manuscript in an after-dinner response, a style of speech whose chief merit consists in its spontaneity, with apt reference to incidents which could not possibly be foreseen.

The loss of Mr. Schurz's popularity — a popularity that was very marked in the earlier period of his career — is due in part to certain unsteady and erratic tendencies, some of which are in strong contrast with characteristics that are recognized as belonging in an especial degree to his race. Through all the centuries since Tacitus drew his vivid picture of the habits and manners of the Germans, their attachment, it might almost be called their passion, for home, has been a marked and meritorious feature of their character. To Fatherland first, and then to whatever country fate or fortune may draw them, their devotion is proverbial. This admirable trait seems altogether wanting in Mr. Schurz. When he left Germany he lived for three years in other countries of Europe, — first in Switzerland, then in France, then in England. In 1852 he came to America, and resided first in Pennsylvania, then in Wisconsin, then in Michigan, then in Missouri, and then in New York. He has not become rooted and grounded anywhere, has never established a home, is not identified with any community, is not interwoven with the interests of any locality or of any class, has no fixed relation to Church or State, to professional, political, or social life, has acquired none of that companionship and confidence which unite old neighbors in the closest ties, and give to friendship its fullest development, its most gracious attributes.

The same unsteadiness has entered as a striking feature in the public career of Mr. Schurz. The party he upheld yesterday met with his bitterest denunciations the day before, and to-morrow he will support the political organ[illegible]ion of whose measures he is the

most merciless censor to-day. He boasts himself incapable of attachment to party, and in that respect radically differs from the great body of his American fellow-citizens. He cannot even comprehend that exalted sentiment of honorable association in public life which holds together successive generations of men, — a sentiment which in the United States causes the Democrat to reverence the memory of Jefferson and Jackson and Douglas, which causes his opponent to glory in the achievements of Hamilton and Clay and Lincoln; a sentiment which in England has bound the Whigs in a common faith and common glory, from Walpole to Gladstone, and their more conservative rivals in a creed of loyalty whose disciples, from Bolingbroke to Beaconsfield, include many of the noblest of British patriots.

For these party associations, to whose influence, under the just restraint of intelligent patriotism, the wisest legislation is due, Mr. Schurz has neither approbation nor appreciation. He aspires to the title of "Independent," and has described his own position as that of a man sitting on a fence, with clean boots, watching carefully which way he may leap to keep out of the mud. A critic might, without carping, suggest that it is the duty of an earnest man to disregard the bespattering which fidelity to principle often incurs, and that a beaten path to safe place for one's self is not an inspiring or worthy object of statesmanship.

Nor is Mr. Schurz's independence of party more pronounced or more complete than his independence of true American feeling. He has taken no pride in appearing under the simple but lofty title of a citizen of the United States. He stands rather as a representative German-American. He has made his native nationality a political resource, and has thereby fallen short of the full honor due to his adopted nationality. The large body of American citizens of German birth are intensely attached to their new home, and seek the most complete identification of themselves and their descendants with the development and destiny of the Great Republic. This is wise, and is in accordance with the best traditions and best aspirations of the Teutonic race. But to Mr. Schurz the Republic is not great! "This country," said he, in his Centennial lecture, "is materially great, but morally small."

— Allen G. Thurman came suddenly into prominence in 1867. He was the Democratic nominee for Governor of Ohio against Rutherford B. Hayes. For the three years immediately preceding

BENJAMIN F. BUTLER
TIMOTHY O HOWE
ROSCOE CONKLING
ALLEN C. THURMAN
WILLIAM A BUCKINGHAM
GEORGE F EDMUNDS
MATTHEW HALE CARPENTER

his candidacy the Republican majorities in the State had averaged nearly 45,000, while in 1863 Vallandigham had been beaten by 101,699. Without premonition or visible cause, in an election for State officers only, and not for representatives in Congress, the total vote of 1867 proved to be larger than had ever been cast in the State, while the majority of General Hayes was less than three thousand. The Legislature was carried at the same time by the Democrats, and it proved that Mr. Thurman had lost the Governorship only to be promoted at once to the United-States Senate. The political revolution was as remarkable in character as it was sudden in time. Ohio had shown profound loyalty to the Union and an enthusiastic support of all measures for its preservation. Mr. Thurman had run counter to the principles and prejudices of a large majority of the people of Ohio by his bitter hostility to the war, and yet he now received a larger popular vote than had ever before been given even to a Republican candidate, except in the year 1863 when so many Democrats repudiated Vallandigham.

It was at the full maturity of his powers, in the fifty-sixth year of his age, that Mr. Thurman took his seat in the Senate, March 4, 1869. He had been chosen a representative in Congress for a single term twenty-five years before, and had afterwards served a full term on the Supreme Bench of Ohio, the last two years as Chief Justice of the court. He was not therefore an untried man, but had an established reputation for learning in the law, for experience in affairs, for intellectual qualities of a high order. During the long interval between his service in the House and his installment in the Senate the relation of political parties had essentially changed. Mr. Thurman had changed with the times and with his associates. When he took his seat in the Twenty-ninth Congress the issue in regard to the extension of slavery in the Territories was beginning to enlist public interest. The first impulse of all the representatives from that extensive and opulent domain, which had been saved from the blight of slavery by the Ordinance of 1787, was to aid in extending a similar blessing to all other Territories of the United States. With the exception of Stephen A. Douglas and John A. McClernand of Illinois, and John Pettit of Indiana, all the Democratic representatives from the four North-western States (Ohio, Indiana, Illinois, and Michigan) voted for the anti-slavery proviso offered by Mr. Wilmot. Mr. Douglas, discerning the future more clearly than his party associates, realized that the chief strength

of the Democracy must continue to lie in the South, and that an anti-slavery attitude on the part of North-western Democrats would destroy the National prestige of the party and lead to its defeat. The Democratic supporters of the Wilmot Proviso had therefore choice of two paths: they must abandon their anti-slavery attitude or they must leave the party. Mr. Thurman adhered to his party. With this exception, his political course has been one of unswerving consistency and fidelity to all the extreme demands and severe creeds imposed upon the Democracy by the South. His Virginia birth, his rearing within the lines of the old Virginia Military reservation in Southern Ohio, his early associations with kindred and with friends, all contributed to his education as a Democrat. He naturally grew to strong influence with his associates, and when he came to the Senate was entitled to be considered the foremost man of his party in the Nation.

His rank in the Senate was established from the day he took his seat, and was never lowered during the period of his service. He was an admirably disciplined debater, was fair in his method of statement, logical in his argument, honest in his conclusions. He had no tricks in discussion, no catch-phrases to secure attention, but was always direct and manly. His mind was not pre-occupied and engrossed with political contests or with affairs of State. He had natural and cultivated tastes outside of those fields. He was a discriminating reader, and enjoyed not only serious books, but inclined also to the lighter indulgence of romance and poetry. He was especially fond of the best French writers. He loved Molière and Racine, and could quote with rare enjoyment the humorous scenes depicted by Balzac. He took pleasure in the drama, and was devoted to music. In Washington he could usually be found in the best seat of the theatre when a good play was to be presented or an opera was to be given. These tastes illustrate the genial side of his nature, and were a fitting complement to the stronger and sterner elements of the man. His retirement from the Senate was a serious loss to his party — a loss indeed to the body. He left behind him pleasant memories, and carried with him the respect of all with whom he had been associated during his twelve years of honorable service.

— William G. Brownlow, a quaint and eccentric man, took his seat as senator from Tennessee. He was in the sixty-fourth year of his age, and in impaired health. He was born in South-western Virginia in the wild and mountainous region adjacent to the borders

of three other States. In early life he was a Methodist preacher of peculiar earnestness and force, with special adaptations to the people among whom his ministry lay. To his Church he always retained an intense attachment and devotion. In his later years he published a work on Methodism, under the strange title of "The Iron Wheel examined, and its False Spokes extracted." He came into public and general notice as the editor of the Knoxville *Whig*, which, though printed in the mountains of Tennessee when facilities of communication were restricted, attained wide circulation and influence. Its editor was known as "Parson" Brownlow, a *sobriquet* which attached to him through life. His paper was strongly anti-Jackson, warmly espoused the cause of Mr. Clay, and was distinguished in its editorials by a treatment of public questions so original that for nearly a quarter of a century it was known and quoted by the journals of the whole country.

But the odd and humorous editor, hitherto notorious for his partisan intensity and for the extravagance of his diction, was suddenly transformed into a moral hero. When the wild movement for secession swept over Tennessee, and carried with it even such men as John Bell, Brownlow took his stand for the Union. Threats could not move him, persecution could not break him, the prison had no terrors for him. His devotion to the National cause did not mean simply the waving of the flag and the delivery of patriotic orations: it meant cold and hunger, separation from his family, loss of property, possibly loss of life. He endured all, and faced his bloodthirsty enemies with a courage superior to their own. He won their respect by his brave resistance, and was finally released from jail and banished from the Confederacy. He came North, and remained until the progress of the National arms enabled him to return to his home. His patriotic devotion was rewarded by the boundless confidence of the loyal people of Tennessee. At the close of the war he was chosen Governor, and was now promoted to the Senate of the United States — too late for the exertion of his once strong mental qualities, but early enough to testify by his presence the triumph of loyalty and manhood in the bloody strife through which he had passed.

— Thomas F. Bayard, who entered the Senate at the opening of the Forty-first Congress, was little known to the public, except as a member of a family which had been for a considerable period prominent in the political affairs of Delaware. His service in the

Senate has been remarkable for one leading characteristic, — the power, or the accidental fortune, to create a public impression as to his career precisely the reverse of its actual history. The illustrations are many: —

In financial circles Mr. Bayard has been held as a fair and conservative exponent of sound views, a jealous guardian of the public credit. As matter of fact, he joined in a political crusade to enforce the payment of the National debt in depreciated paper money, and almost the first vote he ever gave in the Senate was against the bill declaring the National debt to be payable in coin. He voted to except specifically the fifteen hundred millions of 5-20 bonds from coin payment, argued earnestly in favor of taxing the bonds of the Government, refused to support the bill for the resumption of specie payments, and united with others in a National movement to repeal the Act after it had been for a considerable period in operation.

On the Southern question, in all its phases, Mr. Bayard has been proclaimed by his supporters as calm, considerate, and just. In truth he has gone as far as the most rancorous rebel leader of the South, touching the Reconstruction laws and the suffrage of the negro. In the Forty-second Congress, in an official report on the condition of the South, Mr. Bayard joined with the minority of the committee in the distinct avowal that negro suffrage would practically cease when the Republican party should be defeated. These are the exact words in which Mr. Bayard concurred: "*But whenever that party (the Republican) shall go down, as go down it will at some time not long in the future, that will be the end of the political power of the negro among white men on this continent.*" When Mr. Bayard united with other Democrats in this declaration the right of the negro to vote had already been protected by an Amendment to the Constitution. His language was, therefore, a distinct threat to override the Constitution in order to strip the negro of the political power which the Constitution had conferred upon him. This threat was so serious and so lawless that it should have received more attention than was bestowed upon it when first put forth. It was not uncommon to hear brazen defiance of Constitutional obligations from Southern speakers addressing Southern audiences for mere sensational effect. But this was an announcement made in the Senate of the United States, not hastily and angrily in the excitement of debate, but with reflection and deliberation, in an official report which had been studied for months and subscribed to in writing by Mr. Bayard.

The common apprehension assigns to Mr. Bayard a high standing at the bar and positive rank as a man of culture. As a lawyer Mr. Bayard has doubtless cherished no ambition as he has attained no prominence, while in point of education he never enjoyed facilities beyond those of the common school or the private academy. Originally destined for mercantile life, he did not receive in his early years the benefit of liberal training; nor did his tastes lead him into any special personal pursuit of literature or science, or even into a close, careful study of the history of his own country, — a study which would have exempted his public career from some of his more notable mistakes.

For obvious reasons Mr. Bayard has acquired exceptional popularity in the South, and especially with Southern men in Congress. When those who participated in the Rebellion were freed from their disabilities and regained their old seats in the Senate and House, they found Mr. Bayard in position, and they naturally accepted him as a leader. It was fresh in the memory of these men that Mr. Bayard's friendship for them had been constant and unremitting; that even in the fatal folly and wrong of secession in 1861 they had his sympathy, to such an extent that he advocated in a public speech the policy of permitting them to separate peacefully from the Union. He spoke earnestly against the use of the National power to hold these States to their duty as members of a common government, and expressed the belief that it would be better to have two republics, than to have one strong enough to command respect for its laws and to enforce obedience at the cannon's mouth. The avowal of these opinions north of the National Capital was greater aid to the Southern conspirators than if Mr. Bayard had openly joined their councils or expended his valor in the ranks of their army.

It was evidently not deemed prudent by Mr. Bayard to repeat his disunion views. After Fort Lafayette, at Mr. Seward's command, had opened its doors to men who publicly expressed disloyal sentiments in the North, Mr. Bayard gave to the rebellion the benefit of his silence. The great struggle went on; myriads of patriots stepped to the ranks of the Union Army; the people were fired with love of country; from every loyal platform and every loyal pulpit rang out words of faith and hope for the cause and for its brave defenders. But Mr. Bayard's silence was unbroken even by the thunders of Gettysburg almost within sound of his home, or by the closing and complete triumph of the National arms. He had spoken words of

sympathy and encouragement to the enemies of the Union. He never uttered a word of cheer for its friends.[1]

The organization of Governor Fenton's friends in New York, which had failed to secure him the nomination for Vice-President at the Chicago Convention, was strong enough to elect him to the Senate, even against so worthy a competitor as Governor Morgan, who had the advantage of being in the seat. It was a strong attestation of Mr. Fenton's strength in his own State. — William A. Buckingham, whose distinction as War Governor of Connecticut had reached far beyond the limits of his State, was now promoted to a seat in the Senate. — Daniel D. Pratt, afterwards Commissioner of Internal Revenue, appeared from Indiana as the successor of Thomas A. Hendricks. — John Scott, whose father had been a representative in Congress, succeeded Mr. Buckalew as senator from Pennsylvania. Mr. Scott had taken little part in politics, and had been altogether devoted to his profession as a lawyer; but his service in the Senate was distinguished by intelligence and fidelity. No man wrought so

[1] A few extracts from Mr. Bayard's speech of July 9, 1861, at Dover, Del., will exhibit his spirit of disloyalty to the Union of the States. Mr. Bayard said, —

"And is such a war necessary for the peace and happiness of the United States? For half a century we have lived at peace with Great Britain, with her Canadian possessions upon our Northern border. Upon the South, Mexico holds her government with no threats of trouble to us or our citizens. *Why, then, may not two American confederacies exist side by side without conflict, each emulating the other in the progress of civilization?* The coterminous kingdoms of Europe offer many examples of similar peace and prosperity. *With such a sickening alternative as civil war, why should not the experiment at least be made? It is this question we are to pass upon to-day.*" . . .

"If peace will restore and secure these blessings to the people of the United States, even though a number of their former associates have gone off under a new and independent organization, *in the name of Heaven let us raise our voice for it!* Shall this earnest cry for peace be stifled at the bidding of a host of fanatical and cowardly editors, aided by an army of greedy contractors and public leeches, stimulating an ignorant mob to denounce and attack us as traitors and secessionists?" . . .

"You and I are citizens of Delaware. *To her laws and government we owe allegiance. Through our State we owe allegiance to the Federal Government,* of which she is a member. But as State officials can command us to no duty unknown to State laws, neither can a Federal officer claim any authority over us in matters not within his constitutional and legal control. *A palpable infraction of our written charter of government* by our rulers, justifies disobedience upon the part of a citizen as much as lawful orders are entitled to loyal compliance."

[But who, as Mr. Webster had asked Mr. Hayne thirty years before, was to judge of "the palpable infraction of our written charter of government"? Was it the Judicial department of that government? Or was it Mr. Bayard and his disloyal associates in Delaware to whom he was addressing words of hostility to the National Administration and of infidelity to the Union of the States? It is significant that Mr. Bayard acknowledged allegiance to the National Government *only as he owed it through his State.* This was the rank heresy upon which the leaders of the Southern rebellion sought their justification.]

effectively in exposing to the condemnation of public opinion the evil work of the Ku-Klux organizations in the South. At the close of his term he returned to the practice of law, and was honored by the appointment of chief solicitor to one of the largest corporations in the world — the Pennsylvania Railroad Company. — Thomas C. McCreery took his seat as senator from Kentucky. Originally a lawyer, he had for many years devoted his attention to farming. He had acquired prominence in his party by carefully preparing and accurately committing to memory a political oration each year, which he delivered at the Democratic State Convention. He was an upright, good-natured man, with extreme Democratic views always amiably expressed. — John P. Stockton, who was deprived of his seat three years before under circumstances which seemed to impose a hardship upon him, now entered with undisputed credentials from New Jersey.

The senators first admitted from the reconstructed States were about equally divided between native Southerners and those who had gone from the North at the close of the war; but all were Republicans except one in Virginia and one in Georgia. John F. Lewis and John W. Johnston were natives of the State, belonging to old and influential families. The former was a Republican: the latter a Democrat. — In North Carolina, John Pool was an old Whig, prominent in the politics of his State before the war. Joseph C. Abbot was from New Hampshire, a Brigadier-General in the Union Army. — Thomas J. Robertson of South Carolina was a native of the State, and Frederick A. Sawyer was from Massachusetts, but had lived in the State since 1859. — Joshua Hill and Thomas M. Norwood of Georgia were both Southern men by birth. Mr. Hill was a representative in the Thirty-fifth and Thirty-sixth Congresses, and when the State seceded refused to resign. He joined the Republican party after the war. Mr. Norwood entered the Senate as a Democrat. — Thomas W. Osborn and Abijah Gilbert, senators from Florida, were both from the North, the former a native of New Jersey, the latter of New York. — The senators from Alabama, Willard Warner and George E. Spencer, the former born in Ohio, the latter in New York, were both officers of the Union Army. — Hiram R. Revels and Adelbert Ames were the senators from Mississippi. The former was born in the South. The latter was born in Maine, was a graduate of West Point and became highly distinguished as an officer in the war. — John S. Harris and William Pitt Kellogg were senators from

Louisiana. The former was a native of New York. The latter was born in Vermont, but had long resided in Illinois. He served in the Union Army with the rank of Colonel in the Donelson and Shiloh campaigns under General Grant. — The senators from Texas, Morgan C. Hamilton and J. W. Flanagan, were both natives of the South and long domiciled in Texas. — Of the Tennessee senators one was born in the South and one in the North.

The representation of the Southern States being complete in both Houses before the close of the first session of the Forty-first Congress, an impartial estimate could be made of the strength and capacity of the men who were opprobriously designated in the South either as Carpet-baggers or Scalawags. It was soon ascertained that the unstinted abuse heaped upon them as a class was unjust and often malicious. The large proportion, and notably those who remained in Congress beyond two years, were men of character and respectability, in many cases indeed of decided cleverness. But their misfortune was that they had assumed a responsibility which could be successfully discharged only by men of extraordinary endowments. If any considerable number of them had been gifted in a high degree as orators, they would have had great advantages among a people who rate mere eloquence above its true value. If any of them had been men of large fortune (invested in Southern property), and able to make lavish expenditure, they could have produced a deep impression upon a people more given to admiration of mere wealth than the people of the North. But of the entire list of Republican senators and representatives from the reconstructed States, there was not one who was regarded as exceptionally eloquent or exceptionally rich; and hence they were compelled to enter the contest without personal prestige, without adventitious aid of any kind. They were doomed to a hopeless struggle against the influence, the traditions, the hatred of a large majority of the white men of the South.

The Fifteenth Article of Amendment to the Constitution, now pending and about to be adopted, would confirm the colored man's elective franchise and add the right of holding office. One of the senators just admitted from Mississippi in advance of the ratification of the amendment (Hiram R. Revels) was a colored man of respectable character and intelligence. He sat in the seat which Jefferson Davis had wrathfully deserted to take up arms against the Republic and become the ruler of a hostile government. Poetic justice, historic revenge, personal retribution were all complete when Mr.

Revels' name was called on the roll of the Senate. But his presence, while demonstrating the extent to which the assertion of equal rights had been carried, served to increase and stimulate the Southern resistance to the whole system of Republican reconstruction. Those who anxiously and intelligently studied the political situation in the South could see how unequal the contest would be and how soon the men who organized the rebellion would again wield the political power of their States — wield it lawfully if they could, but unlawfully if they must; peaceably if that would suffice, but violently if violence in their judgment became necessary.

President Grant had scarcely taken a step in the duty of administration before he realized that as soon as the current session of Congress should terminate his hands would be completely tied, respecting the removal and appointment of Federal officers, by the Tenure-of-office Act. With his prompt and determined mode of procedure he caused it to be known to Republican senators and representatives that so long as the statute was in force he would simply stand still in the matter of appointments and permit the incumbents to remain in position, except where flagrant misconduct should call for suspension under the law. This position was startling to all who were desirous of securing the appointment of political favorites, who in a party sense had earned their reward and were waiting to receive it. There was a general desire to remove the men whom President Johnson had forced into office before the restraining Act was passed. But General Grant was resolved that neither he nor the members of his Cabinet would go through the disagreeable and undignified process of filing reasons for suspending an officer, when in fact no reasons existed aside from obnoxious political opinion. The Republican members of both branches quickly perceived that tying the hands of a hostile President like Andrew Johnson afforded more satisfaction than the same process applied to a friendly President like General Grant.

It was therefore determined by the Republicans to escape from their embarrassment, even at the expense of an inconsistency which could but prove humiliating to them. On the 9th of March, just five days after Andrew Johnson had left the Presidency, General Butler introduced in the morning hour of the House, a bill of two

lines, absolutely repealing the Tenure-of-office Act, for a constructive violation of which he had ten months before urged the impeachment of President Johnson and his expulsion from office. The standing committees had not yet been announced; and therefore without reference or a moment's debate or consideration of the measure, General Butler demanded the *previous question*, which was sustained; and under a call of the *ayes* and *noes*, the bill was passed by 138 to 16. The small minority was composed of Republicans. The Democrats, who had solidly voted against the Tenure-of-office bill two years before, voted now with entire consistency for its repeal, and with them also, in solid ranks, voted the men who, in the preceding Congress, had clamored most loudly for Johnson's decapitation.

When the bill reached the Senate, there was a disposition on the part of some leading members of that body to pass it as promptly as it had been passed by the House. Mr. Morton urged that it be put on its passage without referring it; but the Senate was not prepared for such haste, and on motion of Mr. Trumbull, the Bill was sent to the Judiciary Committee. That Committee reported it without delay to the Senate, with an amendment in the form of a substitute. The House bill was a simple repeal in the fewest possible words. The Judiciary Committee now proposed that instead of an absolute repeal, the Tenure-of-office Act "be, and the same is, hereby suspended until the next session of Congress."

This was a lame and impotent conclusion, and did not command the support or even the respect of the Senate. Mr. Thurman, a member of the committee that reported it, made haste to announce that he had not approved it. He treated the proposition for suspension as a practical confession that the Tenure-of-office Act "is to be enforced when it will have no practical effect, and is not to be enforced when it would have practical effect." The chief defenders of the proposition to suspend the Act were Mr. Trumbull, Mr. Edmunds, and Mr. Schurz. Mr. Edmunds, pressed by Mr. Grimes to furnish a good reason for suspending the Act, replied that "owing to the peculiar circumstances that have attended the last administration, it is desirable that there should be an immediate and general removal of the office-holders of the country as a rule; and as an agency for that removal, subject to our approval when we meet again in confirmation of their successors, these bad men being put out, we are willing to trust this Executive with that discretion."

Coming from a senator of the United States, this declaration was

regarded as extraordinary. The "bad men" to whom Mr. Edmunds referred were the appointees of President Johnson, and every one of them had been confirmed by the Senate of the United States when the Republicans had more than two-thirds of the body. If these appointees were "bad men," why, it was pertinently and forcibly asked by the aggrieved, did not Mr. Edmunds submit proof of the fact to his Republican associates and procure their rejection? He knew, the accused men declared, as much about their characters when their names were before the Senate, as he knew now when he sought, behind the protection of his privilege, to brand them with infamy. To permit them to be confirmed in the silence and confidence of an executive session, and then in open Senate, when their places were wanted for others, to describe them as "bad men," seemed to them a procedure not to be explained on the broad principles of statesmanship, or even on the common law of fair dealing.

Mr. Schurz was as anxious as Mr. Edmunds to give the President full power to remove the office-holders. He declared that he "would be the last man to hamper the President in the good work of cleaning out the Augean stable, which he is now about to undertake." He was sure that "the rings must be broken up," that "the thieves must be driven out of the public service." He eulogized President Grant as especially fit for the work. "We have," said he, "a President who is willing to do what we and the country desire him to do." Mr. Schurz expressed at the same time his "heartfelt concern" regarding a rumor that the President was very sensitive touching the proposition reported by the Judiciary Committee, and that "he will make no removals unless the civil-tenure bill be repealed instead of being suspended." Mr. Schurz was sure that "on all the great questions of policy the President and Congress heartily agree," and he condemned "the attempts made to sow the seeds of distrust and discord." It is somewhat amusing as well as instructive to recall that in little more than two years from that time, when nearly all the appointees of President Johnson had been turned out of office, Mr. Schurz began work again at "the Augean stable," now locating it in the Grant administration, and demanding that it should be cleansed, that "the rings" should be broken up, that "the thieves must be driven out of the public service." He imputed to President Grant's administration even greater corruption than he had charged upon the administration of his predecessor, and from his ever-teeming

storehouse lavished abuse with even a more generous hand upon the one than he had upon the other.

The amendment of the Judiciary Committee providing for a suspension of the law until Congress should meet again — a period of about eight months — was so objectionable that it won no substantial support from senators. There was something so baldly and shamelessly partisan in the proposition to suspend the Act just long enough to permit President Grant, without obstruction or encumbrance, to remove the Democrats whom President Johnson had appointed to office, that the common instinct of justice, and even of public decency, revolted. The Tenure-of-office Act was either right or wrong, expedient or inexpedient, Constitutional or unconstitutional, and it was easy to see that men could honestly differ as to its character in these respects. But it was impossible to comprehend how a candid legislator could maintain the Constitutionality and expediency of the Act, and then propose to suspend it for that specific period of General Grant's administration, when, if needed at all, it would be most needed. Within the eight months next ensuing the President would probably make more removals and appointments than for the remainder of his term, and it was just for this period that Mr. Trumbull, Mr. Edmunds, and Mr. Schurz urged that the law be made inoperative, — inoperative in order that removals of Democratic office-holders for good cause, and for no cause except that they were Democrats, might in every way be expedited.

It was soon perceived that if the question before the Senate should be reduced to a choice between suspension of the Act or its total repeal, there was danger that the majority would vote for repeal. To avert that result, Mr. Edmunds asked to withdraw the proposition, and it was accordingly recommitted to the Judiciary Committee on the 23d of March. On the next day Mr. Trumbull reported a substitute for the existing law, and the Senate, after brief discussion, agreed to it by *ayes* 37, *noes* 15. The amendment seemed to be ingeniously framed to destroy the original Act and yet appear to maintain it in another form. The senators apparently wished to gratify General Grant and promote their own purposes by rendering the removal of President Johnson's appointees easy, and at the same time avoid the inconsistency involved in the repeal of a law for whose enactment they had so strenuously contended only two years before.

The first modification of the original Act, as embodied in the

Senate amendment, was to relieve the President altogether from the necessity of filing charges against an officer whom he desired to suspend. In the second place, all provisions of the original law authorizing the Senate to pass specific judgment on the propriety of the suspension and declaring that if the Senate did not approve the President's act the person suspended should "forthwith" resume his office, were now abandoned. The President was left at liberty to suspend any officer without assigning a cause, and to nominate his successor. If the nomination should be rejected, another might be made, and another, and another, until the Senate should confirm. If the Senate should stubbornly reject all the nominations and the session of Congress end without a confirmation, then, in that remote and highly improbable event, the suspended officer, according to the proposed law, should be restored to his place. The substance of the original Act was gone, but the Senate sought shelter from its record of inconsistency under the small shadow of this distant and hypothetical restoration of the suspended officer.

But the House would not consent that even the small shadow should remain. Representatives well knew that it was not agreeable to President Grant that any authority should be retained by the Senate whereby an obnoxious officer could in any event be kept in place against his wishes, and they were in hearty accord with him. The House had always been jealous of the power of the Senate over appointments to office, and but for the desire to punish President Johnson the representatives would never have consented to the Tenure-of-office Act. They were now determined, if possible, to strip the Senate of its great aggrandizement of power. The feeling of many members of the House was to sustain an amendment offered by General Logan directing that "all civil offices, except those of judges of the United-States courts, filled by appointment before the 4th of March, 1869, shall become vacant on the 30th of June, 1869." This would have been a wholesale removal beyond any scheme attempted since the organization of the Government; but it was not deemed wise even to bring it to a test, and the House contented itself with the rejection of the Senate amendment by a decisive vote.

The subject was then referred to a Conference Committee, consisting of Messrs. Trumbull, Edmunds, and Grimes of the Senate, and Messrs. Benjamin F. Butler, C. C. Washburn, and John A. Bingham of the House. The Bill reported by this committee to both

Houses is the present law on the subject.[1] Mr. Trumbull, in making the report, gave this assurance to the Senate: "As the Committee of Conference report the bill, the suspended officer would go back at the end of the session unless somebody else was confirmed in his place." On the same day in the House, in answer to a pressing question from Mr. Hoar of Massachusetts, Mr. Bingham expressed the opinion that "no authority without the consent of the President can get a suspended officer back into the same office again." General Butler, another of the House conferees, said: "I am free to say that I think this amendment upon the question of removal and re-instatement of officers leaves the Tenure-of-office Act as though it had never been passed, so far as the power of the President over the Executive officers is concerned." It was certainly an extraordinary spectacle, without precedent or parallel, that the report of the conferees should have one meaning assigned to it in the Senate, and a diametrically opposite meaning assigned to it in the House, and that these antagonistic meanings should be made on the same day, and put forth by the conferees whose names were attached to the report. Such a legislative proceeding cannot be too strongly characterized.

But the popular understanding among Democrats and Republicans alike was that the Tenure-of-office Act had been destroyed, and that Mr. Trumbull's technical construction of the amendment was made merely to cover the retreat of the Senate. By the new enactment, the provisions which had led to the dispute between President Johnson and Congress were practically extirpated; and thus a voluntary confession was recorded by both Senate and House that they had forced an issue with one Executive on an assumed question of right, which they would not attempt with his successor. The members of the present House who in the preceding Congress had voted to impeach the President, and the great mass of the senators who voted to convict him, now voted to blot out the identical clause of the Act under which they held the President to be deserving of removal for even venturing to act upon his own fair construction of its meaning. With all the plausible defenses that can be made for this contradictory course, the fact remains that the authors of the law precipitately fled from its enforcement the moment a President with whom they were in sympathy was installed in office. They thereby admitted the partisan

[1] The full text of the Amendment to the Tenure-of-office Act will be found in Appendix B.

intent that had governed the enactment, just as they admitted the partisan intent that now led to the practical repeal. Casting off all political disguises and personal pretenses, the simple truth remains that the Tenure-of-office Law was enacted lest President Johnson should remove Republican office-holders too rapidly; and it was practically repealed lest President Grant should not remove Democratic office-holders rapidly enough.

While President Grant did not find himself in the least degree embarrassed by the Tenure-of-office Act as amended, he did not surrender his hostility to its existence in any form whatever. In his first annual message (nine months after the legislation just narrated) he earnestly recommended its total repeal. "It could not," said the President, "have been the intention of the framers of the Constitution, when providing that appointments made by the President should receive the consent of the Senate, that the latter should have the power to retain in office persons placed there by Federal appointment against the will of the President. *The law is inconsistent with a faithful and efficient administration of the Government. What faith can an Executive put in officials forced upon him, and those, too, whom he has suspended for reason?* How will such officials be likely to serve an Administration which they know does not trust them?"

The President was evidently of opinion that the doubtful and contradictory constructions of the Act as amended left the whole matter (as described by Mr. Niblack of Indiana when the Conference report was under consideration) "in a muddle;" with the inevitable result that certain parties would be deceived and misled by the peculiarly tortuous language which the Senate insisted upon introducing in the amendment. The House had acted throughout in a straightforward manner, but the most lenient critic would be compelled to say that the course of the Senate was indirect and evasive. That body had evidently sought to gratify the wishes of President Grant, on the one hand, and to preserve some semblance of its power over appointments, on the other. It was freely predicted at the time that so long as the Senate and the President were in political harmony nothing would be heard of the Tenure-of-office Act, but that when the political interests of the Executive should come in conflict with those of the Senate there would be a renewal of the trouble which had characterized the relations of President Johnson and the Senate, and which led to the original Tenure-of-office Act with its positive

assertion of senatorial power over the whole question of appointment and removal.

William Pitt Fessenden took part in the first session of Congress under the Presidency of General Grant. It was his last public service. On the eighth day of the following September (1869) he died at his residence in Portland, Maine, in the sixty-third year of his age. He was one of the many victims of that strange malady which, breaking out with virulence at the National Hotel in Washington on the eve of Mr. Buchanan's inauguration (1856–57), destroyed many lives. Its deadly poison undermined the constitutions of some who apparently recovered health. Of these Mr. Fessenden was one. He regained the vigor that carried him through those critical years of senatorial work on which his fame chiefly rests; yet he always felt that he had been irreparably injured by the insidious attack. The irritability and impatience which he occasionally displayed in public and in private came undoubtedly from sufferings which he bore with heroic endurance through the years when his public burdens were heaviest.

— His death was announced by his successor, Lot M. Morrill, who delivered an appreciative eulogy upon his character and public service. Mr. Sumner bore testimony to the greatness of his career in the Senate. "All that our best generals were in arms, Mr. Fessenden was in the financial field," said the Massachusetts senator. Describing Mr. Fessenden's "extraordinary powers in debate — powers which he commanded so readily," Mr. Sumner said, "His words warmed as the Olympic wheel caught fire in the swiftness of the race. If on these occasions there were sparkles which fell where they should not have fallen, they cannot be remembered now." This reference was well understood. Mr. Fessenden and Mr. Sumner were never cordial. Members of the same party, supporters of the same general measures, with perfect appreciation and with profound respect each for the other, it seemed as impossible to unite them cordially, as in earlier days it was to unite Adams and Hamilton in the ranks of the Federalists.

— Mr. Fessenden had maintained a brilliant reputation for a long period. When Mr. Webster, at the height of his senatorial fame, made his celebrated tour through the Middle and Western States in 1837, he selected Mr. Fessenden, a young man of thirty, as his trav-

eling companion, — selected him for his brilliancy, when he had choice of the brilliancy of all New England. Mr. Garrett Davis, a senator from Kentucky, in his eulogy of Mr. Fessenden, referred to Mr. Webster's visit to that State, and described the warm greeting which Mr. Fessenden received, the deep impression made upon him by Mr. Clay's hospitality at Ashland, and the impression which the young man made upon Mr. Clay, with whom he thenceforward became a marked favorite. Mr. Davis and Mr. Fessenden met not long after as members of the House in the Twenty-seventh Congress (under Harrison and Tyler). "Mr. Fessenden at that time," said Mr. Davis, "was not only a young man of eminent ability and attainments, but he was warm-hearted, frank, honorable, eminently conscientious. His health was then good, and he was always bright and genial: sometimes he showed the lambent play of passion and of fire."

— His eulogists in both branches of Congress were many. Mr. Hamlin, long his colleague, had been a student in his law office, and placed him in the front rank of American senators. Mr. Trumbull presented him as he was in 1855, when they first met in a Senate of sixty-two members, of whom only fifteen were Republicans. Mr. Williams of Oregon described him as "towering in mind among those around him, like Saul in form among his countrymen." In the House, Mr. Lynch, from his own city, gave the home estimate of Mr. Fessenden's character. Mr. Peters eulogized him for his eminent professional rank; and Mr. Hale described him as a man "who never kept himself before the people by eccentric forces, and went in quest of no popularity that had to be bought by time-serving." Words of tenderness and affection were spoken of him by men whose temperament was as reserved and undemonstrative as his own. — "A truer, kinder heart," said Henry B. Anthony, "beats in no living breast than that which now lies cold and pulseless in the dead form of William Pitt Fessenden."

CHAPTER XIX.

Events of Interest. — In Diplomacy and Reconstruction. — The Dominican Republic. — Annexation Treaty. — Defeated by Senate. — President Grant renews the Effort. — Commission sent to San Domingo. — Their Report. — Opposition of Mr. Sumner. — The President and Mr. Sumner. — Reconstruction Measures completed. — Virginia, Mississippi and Texas. — Re-admitted to Representation. — Peculiar Case of Georgia. — Her Reconstruction postponed. — Last State re-admitted to Representation. — Fifteenth Amendment. — Adopted. — Proclaimed March 30, 1870. — President's Message — Course of the Southern States. — Hostility to Reconstructed Governments. — Determination to break them down. — Military Interposition of the Government. — Ku-Klux-Klans. — Violence in the South. — Legislation to prevent it. — Difficult Task. — Motive inspiring the South. — Carpet-bag Immigration. — Cotton-rearing Original Motive. — Political Consequence. — Disabilities in the South. — Cause thereof. — Responsibility of Southern States. — Original mistake of the South. — The Aims of the North.

THE chief interest in the events of General Grant's first term was divided between questions of a diplomatic character and those arising from the condition of the South after Reconstruction had been completed. The first issue that enlisted popular attention was in regard to the annexation of the Dominican Republic. It was the earliest decisive step of General Grant's policy that attracted the observation of the people. The negotiation was opened on the request of the authorities of San Domingo, and it began about three months after the President's inauguration. In July General O. E. Babcock, one of the President's private secretaries, was dispatched to San Domingo upon an errand of which the public knew nothing. He bore a letter of instructions from Secretary Fish, apparently limiting the mission to an inquiry into the condition, prospects, and resources of the Island. From its tenor the negotiation of a treaty was not at that time anticipated by the State Department. General Babcock's mission finally resulted however in a treaty for the annexation of the Republic of Dominica, and a convention for the lease of the bay and peninsula of Samana, — separately negotiated and both concluded on the 29th of Novem-

ber, 1869. The territory included in the Dominican Republic is the eastern portion of the Island of San Domingo, originally known as Hispaniola. It embraces perhaps two-thirds of the whole. The western part forms the Republic of Hayti. With the exception of Cuba, the island is the largest of the West India group. The total area is about 28,000 square miles, — equivalent to Massachusetts, New Hampshire, Vermont and Rhode Island combined.

President Grant placed extravagant estimates upon the value of the territory which he supposed was now acquired under the Babcock treaties. In his message to Congress he expressed the belief that the island would yield to the United States all the sugar, coffee, tobacco, and other tropical products which the country would consume. "The production of our supply of these articles," said the President, "will cut off more than $100,000,000 of our annual imports, besides largely increasing our exports." "With such a picture," he added, "it is easy to see how our large debt abroad is ultimately to be extinguished. With a balance of trade against us (including interest on bonds held by foreigners and money spent by our citizens traveling in foreign lands) equal to the entire yield of precious metals in this country, it is not easy to see how this result is to be otherwise accomplished." He maintained that "the acquisition of San Domingo will furnish our citizens with the necessaries of every-day life at cheaper rates than ever before; and it is in fine a rapid stride towards that greatness which the intelligence, industry, and enterprise of our citizens entitle this country to assume among nations."

Earnest as General Grant was in his argument, deeply as his personal feelings were enlisted in the issue, thoroughly as his Administration was committed to the treaty, the Senate on the 30th of June (1870), to his utter surprise, rejected it. The vote was a tie, 28 to 28, as was afterwards disclosed in debate in open Senate. Though the votes of two-thirds of the senators were required to confirm the treaty President Grant was not discouraged. He returned to the subject six months later, in his annual message of December, and discussed the question afresh with apparently renewed confidence in the expediency of the acquisition. "I now firmly believe," he said, "that the moment it is known that the United States have entirely abandoned the project of accepting as part of its own territory the Island of San Domingo, a free port will be negotiated for by European nations in the Bay of Samana, and a large commercial city will spring up, to which we will be tributary without receiving cor-

responding benefits. Then will be seen the folly of our rejecting so great a prize. . . . So convinced am I of the advantages to flow from the acquisition of San Domingo, and of the great disadvantages, I might also say calamities, to flow from its non-acquisition, that I believe the subject has only to be investigated to be approved." He recommended that "by joint resolution of the two Houses of Congress, the Executive be authorized to appoint a commission to negotiate a treaty with the authorities of San Domingo for the acquisition of that island, and that an appropriation be made to defray the expenses of such commission."

The subject at once led to discussion in both branches of Congress, in which the hostility to the scheme on the part of some leading men assumed the tone of personal exasperation towards General Grant. So intense was the opposition that the President's friends in the Senate did not deem it prudent even to discuss the measure which he recommended. As the best that could be done, Mr. Morton of Indiana introduced a resolution empowering the President to appoint three Commissioners to proceed to San Domingo and make certain inquiries into the political condition of the island, and also into its agricultural and commercial value. The Commissioners were to have no compensation. Their expenses were to be paid, and a secretary was to be provided. Even in this mild shape the resolution was hotly opposed. It was finally adopted by the Senate, but when it reached the House that body refused to concur except with a proviso that "nothing in this resolution shall be held, understood, or construed as committing Congress to the policy of annexing San Domingo." The Senate concurred in the condition thus attached, and the President approved it. It was plain that the President could not carry the annexation scheme; but he courted a searching investigation in order that the course he had pursued might be vindicated by the well-considered judgment of impartial men.

The President's selections for the Commission were wisely made. Benjamin F. Wade of Ohio, Andrew D. White of New York, and Samuel G. Howe of Massachusetts, were men entitled to the highest respect, and their conclusions, based upon intelligent investigation, would exert large influence upon public opinion. The Commission at once visited the island (carried thither on a United-States vessel of war), made a thorough examination of all its resources, held conferences with its leading citizens, and concluded that the policy recommended by General Grant should be sustained. The

Commissioners corroborated General Grant's assertion that the island could supply the United States with the sugar, coffee, and other tropical products needed for our consumption; and they upheld the President in his belief that the possession of the island by the United States would by the laws of trade make slave labor in the neighboring islands unprofitable, and render the whole slave and caste systems odious.

In communicating the report, the President made some remarks which had a personal bearing. "The mere rejection by the Senate of a treaty negotiated by the President," said he, "only indicates a difference of opinion among different departments of the Government, without touching the character or wounding the pride of either. But when such rejection takes place simultaneously with charges, openly made, of corruption on the part of the President, or of those employed by him, the case is different. Indeed, in such case the honor of the nation demands investigation. This has been accomplished by the report of the Commissioners, herewith transmitted, and which fully vindicates the purity of motives and action of those who represented the United States in the negotiation. And now my task is finished, and with it ends all personal solicitude upon the subject. My duty being done, yours begins, and I gladly hand over the whole matter to the judgment of the American people and of their representatives in Congress assembled."

The pointed remarks of the President were understood as referring to the speech made by Mr. Sumner when the resolution for the appointment of the Commission was pending before the Senate. Mr. Sumner had previously conceived a strong dislike to General Grant on account of some personal grievance, either fancied or real; and he debated the resolution in a spirit not at all justified by the subject itself. He spoke of it as "a measure of violence" and a "dance of blood." "In other days," said he, "to carry a project, a President has tried to change a committee: it was James Buchanan. Now we have been called this session to witness a similar endeavor by our President. He was not satisfied with the Committee on Foreign Relations, and wished it changed. He asked first for the removal of the chairman [Mr. Sumner himself]. Somebody told him that this would not be convenient. He then asked for the removal of the senator from Missouri [Mr. Schurz], and he was told that this could not be done without affecting the German vote."

Mr. Sumner continued: "The negotiation for annexation began with a political jockey named Buenaventura Baez; and he had about him two other political jockeys, Casneau and Fabens. These three together, a precious copartnership, seduced into their firm a young officer of ours, who entitles himself *aide-de-camp to the President of the United States*. Together they got up what was entitled a protocol, in which the young officer, entitling himself *aide-de-camp* to the President, proceeded to make certain promises for the President. I desire to say that there is not one word showing that at the time this *aide-de-camp*, as he called himself, had any title or instruction to take this step. If he had, that title and that instruction have been withheld. No inquiry has been able to penetrate it. . . . I ask you," said he, addressing the Vice-President, "do you know any such officer in our government as '*aide-de-camp* to his Excellency the President of the United States'? Does his name appear in the Constitution, in any statute, in the history of this country anywhere? If it does, then your information is much beyond mine. . . . However, he assumed the title; and it doubtless produced a great effect with Baez, Casneau, and Fabens, the three confederates. They were doubtless pleased with the distinction. It helped on the plan they were engineering. The young *aide-de-camp* pledged the President as follows: 'His Excellency, General Grant, President of the United States, promises *privately* to use all his influence, in order that the idea of annexing the Dominican Republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment.' Shall I read the rest of the document? It is somewhat of the same tenor. There are questions of money in it, cash down, all of which must have been particularly agreeable to the three confederates." At one stage of his bitter arraignment of the Administration Mr. Sumner besought the Vice-President (Mr. Colfax) "as a friend of General Grant to counsel him not to follow the examples of Franklin Pierce, of James Buchanan, and of Andrew Johnson."

After the delivery of this speech General Grant and Senator Sumner held no personal intercourse. Public opinion did not justify the course of Mr. Sumner. It was regarded as an exhibition of temper unworthy his high position, and his speech was distinguished by a tone not proper to be employed towards the President of the United States. But he had not imputed, as General Grant assumed, any personal corruption to him. On the contrary he considered the

questionable course of General Babcock to be without instruction. General Grant's reference in his message to Mr. Sumner's angry arraignment, a part of which is already quoted, closed with a mention of "acrimonious debates in Congress" and "unjust aspersions elsewhere." "No man," said he, "can hope to perform duties so delicate and responsible as appertain to the Presidential office without sometimes incurring the hostility of those who deem their opinions and wishes treated with insufficient consideration." This was a direct personal reference to Mr. Sumner, perfectly understood at the time. General Grant continued: "He who undertakes to conduct the affairs of a great government as a faithful public servant, if sustained by the approval of his own conscience, may rely with confidence upon the candor and intelligence of a free people, whose best interests he has striven to subserve, and can bear with patience the censure of disappointed men."

No further attempt was made by the President to urge the acquisition of San Domingo upon Congress. It was evident that neither the Senate nor House could be induced to approve the scheme, and the Administration was necessarily compelled to abandon it. But defeat did not change General Grant's view of the question. He held to his belief in its expediency and value with characteristic tenacity. In his last annual message to Congress (December, 1876), nearly six years after the controversy had closed, he recurred to the subject, to record once more his approval of it. "If my views," said he, "had been concurred in, the country would be in a more prosperous condition to-day, both politically and financially." He then proceeded to re-state the question, and to sustain it with the arguments which he had presented to Congress in 1870 and 1871. His last words were: "I do not present these views now as a recommendation for a renewal of the subject of annexation, but I do refer to it to vindicate my previous action in regard to it."

Though the Reconstruction measures were all perfected before General Grant's election to the Presidency, the necessary Acts prescribed by them had not been completed by all the States. The three which had not been admitted to representation, and had not taken part in the National election, — Virginia, Mississippi, and Texas, — had by the spring of 1870 fully complied with all the

requirements, and were therefore admitted to all the privileges which had been accorded to the other States of the South. Virginia was admitted to representation in Congress by the Act of Jan. 26, Mississippi by the Act of Feb. 23, and Texas by the Act of March 30 (1870). It was their own fault, and not the design of the Government, that prevented these States from being included in the same bill with their associates in rebellion.

The reconstruction of Georgia, supposed to have been completed the preceding year by the admission of her representatives to the House, was taken up for review at the opening of the Forty-first Congress. Neither her senators nor representatives were permitted to be sworn, but their credentials were referred in each House to the Committee on Elections. In the judgment of the majority the conduct of Georgia justified this severe course. Her Legislature, after complying with every condition of reconstruction, took an extraordinary and unaccountable step. That body decided that colored men were not entitled to serve as legislators or to hold any office in Georgia. They were therefore expelled from their seats, while white men, not eligible to hold office under the Fourteenth Amendment, were retained. The Fifteenth Amendment was then rejected by the Legislature, composed exclusively of white men. These facts were ascertained before the senators from Georgia were admitted to their seats, and before the Fifteenth Amendment had yet been ratified by the requisite number of States.

Congress took prompt cognizance of this condition of affairs, and passed another bill on the 16th of December (1869), declaring "that the exclusion of persons from the Legislature upon the ground of race, color, or previous condition of servitude, would be illegal and revolutionary, and is hereby prohibited." In order to make the prohibition effective, Georgia was required, before her senators and representatives could be seated, to ratify the Fifteenth Amendment to the Constitution. The Legislature of Georgia was accordingly re-assembled, the colored members resumed their seats, and the Fifteenth Amendment was duly ratified on the 2d of February (1870). The conditions were considered by some prominent Republicans to be an assumption of power on the part of Congress, and were therefore opposed actively by Mr. Carpenter in the Senate and Mr. Bingham in the House; but the great body of the party insisted upon them, and the movement had the full sympathy of the President. The course pursued by Georgia made her the last State to be recon-

structed. The final Act for her re-admission to the right of representation in Congress was passed on the 15th of July, 1870.

The adoption of the Fifteenth Amendment had become in the minds of thinking men an essential link in the chain of reconstruction. The action of Georgia in expelling colored men from the Legislature after her reconstruction was supposed to be complete, roused the country to the knowledge of what was intended by the leading men of the South; and the positive action of Congress roused the leading men of the South to a knowledge of what was intended by Congress. On the 30th of March Secretary Fish issued a proclamation making known to the people of the United States that the Fifteenth Amendment had been ratified by the Legislatures of thirty States, and was therefore a part of the Constitution of the United States. New York, which had given her ratification when the Legislature was Republican, attempted at the succeeding session, with the Democratic party in power, to withdraw its recorded assent; but as in the case of the Fourteenth Amendment, action on the subject was held to be completed when the State officially announced it, and New York was numbered among the States which had ratified the Amendment. The only States opposing it were New Jersey, Delaware, Maryland, Kentucky, Tennessee, California, and Oregon. At the time the Amendment was submitted, the Legislatures of these States were under the absolute control of the Democratic party. The hostility of that party to the Fifteenth Amendment was as rancorous as it had been to the Fourteenth. Not a single Democrat voted to ratify it in either branch of Congress, and the Democratic opposition in the State Legislatures throughout the Union was almost equally pronounced.[1]

This radical change in the Organic Law of the Republic was regarded by President Grant as so important, that he notified Congress of its official promulgation, by special message. He dwelt upon the character of the Amendment, and addressed words of counsel to both races. "I call the attention of the newly enfranchised race," said he, "to the importance of striving in every honorable manner to make themselves worthy of their new privilege.

[1] The New Jersey Legislature of 1871 reversed the action of the previous year, and ratified the Amendment after it had been proclaimed by the Secretary of State as adopted. Ohio at first rejected the Amendment, but reversed her action in time to have her vote recorded among the States ratifying the Amendment. New York ratified the Amendment in 1869; the next year, under a Democratic majority, the Legislature attempted to withdraw the ratification; and in the year succeeding the Republicans re-affirmed it.

To the race more favored heretofore by our laws, I would say, Withhold no legal privilege of advancement to the new citizens." He called upon Congress to promote popular education throughout the country by all the means within their Constitutional power, in order that universal suffrage might be based on universal intelligence.

In the same spirit that led to the message of the President, Congress proceeded to enact laws protecting the rights that were guaranteed under the new Constitutional Amendment. On the 31st of May (1870), two months after the Amendment was promulgated, an Act was passed "to enforce the right of citizens of the United States to vote in the several States in this Union." Eight months later, on the 28th of February, 1871, an additional Act on the same subject was passed. These statutes were designed to protect, so far as human law can protect, the right of every man in the United States to vote, and they were enacted with special care to arrest the dangers already developing in the South against free suffrage, and to prevent the dangers more ominously though more remotely menacing it. The Republican party was unanimous in support of these measures, while the Democratic party had nearly consolidated their votes against them. It was not often that the line of party was so strictly drawn as at this period and on issues of this character.

As the Reconstruction of each State was completed, the Military Government that was instituted in 1867 was withdrawn. The Southern people — at first proclaiming a sense of outrage at the presence of soldiers in time of peace — soon became content with the orderly, just, and fair administration which the commanding generals enforced. Many of the wisest men of the South would have been glad to continue the same form of government, until the passions engendered by the war had somewhat cooled and the new relations of the two races had become so amicably adjusted as to remove all danger of conflict between them. But the course of events did not suggest, and perhaps would not have permitted, an arrangement of this character; and hence the States were left, under the Constitution and laws of the Union, to shape their own destiny.

The presumption was that these States would be obedient to the Constitution and laws. But for this presumption, legislation would be but idle play, and a government of laws would degenerate at once into a government of force. In enacting the Reconstruction Laws Congress proceeded upon the basis of faith in Republican government, as defined so tersely by Mr. Lincoln — *of the people*,

by the people, for the people. It had the additional assurance of the acceptance of the terms of Reconstruction by the lawful organizations of the Southern States. And if the presumption of obedience with respect to statute law be general, much stronger should it be with respect to organic law, upon which the entire structure of free government is founded. It was therefore logical for the National administration to assume, as Reconstruction was completed, that the harmonious working of the Federal government through all its members was formally re-established. It was a cause of great rejoicing that, after four years of bloody war and four years of laborious and careful Reconstruction, every State in the Union had regained its autonomy in the first year of General Grant's Presidency; and that the Government and the people of the Union were entitled to look forward to peaceful administration, to friendly intercourse, to the cultivation of kindly feeling, to the promotion of agriculture, manufactures, and commerce. The lenity with which the triumphant Union had treated the crime of rebellion — sacrificing no man's life, stripping no man of his property, depriving no man of his personal liberty — gave the Government the right to expect order and the reign of law in the South.

But it was soon disclosed that on the part of the large mass of those who had participated in the rebellion, properly speaking, indeed, on the part of the vast majority of the white men of the South, there was really no intention to acquiesce in the legislation of Congress, no purpose to abide by the Constitutional Amendments in good faith. A majority of the white people of the South accepted rather the creed of General Blair, whom they had supported for Vice-President, and regarded themselves justified in opposing, repudiating, and if possible destroying, the governments that had grown up under the protection of the Reconstruction Laws. The re-admission of their States to representation was taken by them only as the beginning of the era in which they would more freely wage conflict against that which was distasteful and, as they claimed, oppressive. It is not to be denied that they had the inherent right, inside of Constitutional limitations, to repeal the laws of their States, and even to change the Constitution itself, if they should do it by prescribed methods and by honest majorities, and should not, in the process, disturb the fundamental conditions upon which the General Government had assented to their re-admission to the right of representation in Congress. It was not, however, the purpose of the Southern Democrats

to be fettered and embarrassed by any such exemplary restraints. By means lawful or unlawful they determined to uproot and overthrow the State governments that had been established in a spirit of loyalty to the Union. They were resolved that the negro should not be a political power in their local governments; that he should not, so far as their interposition could prevent it, exert any influence over elections, either State or national; and that his suffrage, if permitted to exist at all, should be only in the innocent form of a minority.

Seeing this determination, the National Government interposed its strong arm, and a detail of soldiers at the principal points throughout the South gave a certain protection to those whose rights were otherwise in danger of being utterly trodden down. It certainly has never been proved in a single instance that a legal voter in any Southern State was deprived of his right of suffrage by the presence of United-States troops in those States; but the issue was at once made by the Democratic party against the administration of President Grant, that free elections were impossible in the Southern States unless soldiers of the Regular Army were excluded; that their simple presence was a form of coercion absolutely inconsistent with Republican government. Many of them, as they now declared, had been willing to accept a Military government — as it had existed under Reconstruction; but they objected to the presence of troops in States where self-government had been conceded by Congress.

There was undoubtedly an instinctive reluctance among the people of all sections to permit the location of troops in the neighborhood of polling-places. It had happened that in the long-continued strife in Kansas, Republicans complained that the anti-slavery voters felt intimidated by the presence of troops of the Regular Army. The application was, therefore, readily made to the existing case; and it was not unnaturally or inaptly asked whether the presence of the military at the elections of a State of the Union was not even more offensive than their presence at the elections in a Territory of the Union, which was directly under the control of the National Government. On the abstract issue thus presented the Republicans were placed somewhat at a disadvantage; and yet every white man making the complaint knew that the influence of the troops was not to deprive him of a single right, but was to prevent him from depriving the colored man of all his rights.

Between the effort, therefore, of President Grant's administration to protect free suffrage in the South, and the protest of the Demo-

cratic party against protecting it by the military arm of the Government, a physical contest ensued in the Southern States and a political contest throughout the Union. It was perfectly understood, and openly proclaimed, in the North, and perfectly understood, though not openly proclaimed, in the South, that the withdrawal of the protection of the National Government from the States lately in rebellion meant the end of suffrage to the colored man, or at least such impairment of its force and influence as practically implied its total destruction. So bitter was the hostility to impartial suffrage, so determined were the men who had lately been in rebellion to concentrate all the political power of the Southern States in their own hands, that vicious organizations, of which the most notable were the Ku-Klux-Klans, were formed throughout the South for the express purpose of depriving the negro of the political rights conferred upon him by law. To effect this purpose they resorted to a series of outrages calculated to inspire the negroes with terror if they attempted to resist the will of white men.

In prosecuting their purposes these clans and organizations hesitated at no cruelty, were deterred by no considerations of law or of humanity. They rode by night, were disguised with masks, were armed as freebooters. They whipped, maimed, or murdered the victims of their wrath. White men who were co-operating with the colored population politically were visited with punishments of excessive cruelty. It was difficult to arrest the authors of these flagrant wrongs. Aside from their disguises, they were protected against inculpating testimony by the fear inspired in the minds of those who might be witnesses; and they were protected even by that portion of the white race who were not willing to join in their excesses. It was well said of the leading members of the clans, that "murder with them was an occupation, and perjury was a pastime." The white man who should give testimony against them did so at the risk of seeing his house burned, of being himself beaten with many stripes; and if the offender had been at all efficient in his hostility, he was, after torture, in many instances, doomed to death.

Congress did its utmost to strengthen the hands of the President in a contest with these desperate elements. By the Act of April 20, 1871, "to enforce the provisions of the Fourteenth Amendment to the Constitution of the United States" (commonly known as the Ku-Klux Act, or the Enforcement Act), the President was empowered to go to the extreme of suspending the writ of *habeas corpus*

where peace and order could not otherwise be restored. Before acting under the provisions of that vigorous statute, General Grant gave warning to the Southern people by proclamation of May 3, 1871, that they might themselves, by good behavior, prevent the necessity of its enforcement. "Sensible," said the President, "of the responsibility imposed upon the Executive by the Act of Congress to which public attention is now called, and reluctant to call into exercise any of the extraordinary powers thereby conferred upon me, except in case of imperative necessity, I do, nevertheless, deem it my duty to make known that I will not hesitate to exhaust the powers thus vested in the Executive, whenever and wherever it shall become necessary to do so, for the purpose of securing to all citizens of the United States the peaceful enjoyment of the rights guaranteed to them by the Constitution and laws." The extreme power of suspending the writ of *habeas corpus* now placed in the President's hands was limited in time, and would necessarily end, if not renewed, at the close of the next regular session of Congress.

But the task of enforcing obedience to laws, when obedience is not in the hearts of the people, is the most difficult undertaking ever imposed upon the governing power. If the South had been standing alone, if it had not been receiving daily words of encouragement, of aid, and of comfort, from the North, if it had not seen that the Democratic party in Congress was fighting its battle, it might have yielded to the prestige and power of the National Government. But the situation invited, urged, induced men, to persist. They clearly saw, as their co-operating friends in the North had seen long before, that a compact vote of all the Southern States could be used as the sure foundation of a formidable, and, as they hoped, irresistible political power. It was this hope which nerved their arm for every encounter: it was this prospect of domination that steadily encouraged them to continue a battle which must at times have seemed desperate indeed. As the Southern leaders of an earlier day had strenuously endeavored to maintain equality of membership in the Senate, so now their successors promised to themselves such solidification of their electoral vote, as would by its very force attract sufficient strength in the North to restore the South to a position of command in the National Government.

The instinctive hostility of the American people against the use of troops at elections was not the only weapon of offense which the Democratic party was able to use in this prolonged contest. As soon

as the war had closed there was a considerable influx of Northern men in the States of the late Confederacy. The original motive which induced the migration was financial and speculative. A belief was prevalent in the North that great profit might be derived from the cotton-culture, and that with the assured sympathy of the colored men they would be able to command the requisite labor more readily than the old slave masters. As a mere business enterprise cotton-growing at that period, except in very few instances, proved to be unprofitable. The complete disorganization of labor throughout the South, consequent upon emancipation, had embarrassed production and added largely to its cost. It would inevitably require time to build up a labor-system based on the new relation of the negro to the white race, and it was the misfortune of the Northern men to embark on their venture at the time of all others when it was least likely to prove remunerative. But these men, though pecuniarily unsuccessful, quickly formed relations of kindliness and friendship with the negro race. They addressed them in different tone, treated them in a different manner, from that which they had been accustomed in the past to receive from the white race, and it was natural that a feeling of friendship should grow up between the liberated and those whom they regarded as liberators.

It was soon apparent that, under the protection of the National power and with the numerical superiority of the negroes in several States (certain Southern leaders being under political disabilities), it would be easy for the loyal white men to obtain control of the local governments. Out of these circumstances there came into political power the class of men known as "Carpet-baggers" — so described from the insulting presumption that the entire worldly estate of each one of the class was carried in a carpet-bag, enabling him to fly at any moment of danger from the State whose domestic policy he sought to control. The prospect of the success of the new movement induced a number of former rebels to join in it, and to them the epithet of "Scalawag" was applied. This combination was not without disadvantages to the negro. By as much as it gave strength to his political organization, it increased the hatred and desperation of the ruling element among the whites, and demonstrated that the negro could secure the rights conferred upon him by the Constitution and laws, only through violence and bloodshed.

Many of those denounced under the epithet of Carpet-bagger and Scalawag were honorable and true men; but a majority of these

were unobtrusive and not brought strongly into popular view: while many of those who became entrusted with the power of State governments and found themselves unexpectedly in possession of great authority were not morally equal to its responsibility. The consequence was that some of the States had wretched governments, officered by bad men, who misled the negro and engaged in riotous corruption. Their transgressions were made so conspicuous that the Republican leaders of other Southern States, who were really trying to act their part worthily and honorably, were obscured from view, and did not obtain a fair hearing at the bar of public opinion. The government of South Carolina, under its series of Republican administrations, was of such character as brought shame upon the Republican party, exposed the negro voters to unmerited obloquy, and thus wrought for the cause of free government and equal suffrage in the South incalculable harm. These Southern State governments proved a source of angry contention inside the Republican party in the North, and thus brought one more calamity to the negro, and gave one more advantage to the rebel element of the South that so persistently sought for his disfranchisement.

The hostility of Southern men to Carpet-bag rule was instinctive and irrepressible. The failure of the rebellion left its participants stripped of property, depressed in spirit, angry and unreconciled. Northern men appearing among them recalled in an offensive manner the power that had overcome and as they thought humiliated them, — recalled it before time had made them familiar with the new order of things, before they could subject themselves to the discipline of adversity, and gracefully accept the inevitable. Even the most decorous and considerate behavior on the part of these men would perhaps have failed to conciliate the Southern population. But while unable to do this, they could no doubt in due season have secured public confidence if they had administered the trusts confided to them with an eye single to the prosperity and happiness of the people over whom by a strange concurrence of circumstances they were empowered to rule. If these men had in all cases established as good and trustworthy governments in the South as they had been reared under in the North, they would have conferred upon all the reconstructed States a blessing which as prejudice wore away would have caused their names to be respected and honored. Their governments were however demoralized by the violent and murderous course of the clans organized to resist them.

In the play between the two forces, — a government too weak to command respect; a native population too resentful to yield obedience, — a state of social disorder and political chaos resulted, which would in advance have seemed impossible among any people clothed with the right of self-government, and living under a Republic of vast power and prestige.

The Republicans lost in many of the Southern States a valuable support upon which they had counted with confidence. Union men whom no persecution could break and no blandishments could seduce, were to be found in the South at the outbreak of the rebellion. They were men who in a less conspicuous way held the same faith that inspired Andrew Johnson and William G. Brownlow during the war. It was the influence and example of this class of men which had contributed to the Union Army so large a number of white soldiers from the rebellious States, — numbering in the aggregate more than one hundred thousand men. Tennessee alone furnished at least thirty-five thousand white troops as brave as ever followed the flag. The Carolinas, Virginia, Georgia, Alabama, all furnished loyal men from their mountain districts; and beyond the Mississippi a valuable contingent came from Arkansas and Texas.

The men who had the courage to stand for the Union in time of war should not have separated from its friends in time of peace. If Reconstruction had been completed according to the first design, on the basis of the Fourteenth Amendment, these men would have remained solidly hostile to the Southern Democracy. But as the contest waxed warm, as negro suffrage became a prominent issue, many of them broke away from their associations and became the bitterest foes of the Republican party. They followed Andrew Johnson and partook of his spirit. But against all adverse influences, some of the truest and best of this class of Union men remained with the Republican party. If the whole number had proved steadfast, they would have formed the centre of a strong and growing influence in the South which in many localities would have been able — as in East Tennessee — to resist the combined rebel power of their respective communities. Under such protection the colored vote, intelligently directed and defended, could have resisted the violence which has practically deprived it of all influence. Every day affords fresh proof of the disasters which have resulted to the Republican party of the South from the loss of so large a proportion of the original Union men.

Perhaps the most serious charge brought against the Republican policy by the Southern men, was that the negro was advanced to the right of suffrage, while a portion of the white population were placed under such political disabilities as prevented their voting. This allegation is often made, however, in a way that leads to erroneous impressions, because as matter of fact it was not the policy of Congress to deprive any man of the right of suffrage. Congress even left the voting franchise in full force with those who were under such political disabilities as forbade their holding office. It is true that in a certain election under the Reconstruction laws the voter was subjected to a test-oath, but this condition was imposed under what seemed to be a fair plea of necessity; for it was applied in the South only after the entire white population had refused to reconstruct their States on the basis first freely offered them, with no restriction on white suffrage, and even before the negro was empowered to vote. Fearing from this experience that any organization of a State under the auspices of Republican power might be voted down, Congress resorted to the expedient of confining the suffrage in the preliminary stage to those who had not rebelled, and who could therefore be firmly trusted to establish a loyal government.

While the National Government refrained from withholding the elective franchise from men who had fought to destroy the Union, there is no doubt that disabilities and exclusions were imposed upon large classes in certain States of the South. But perhaps even here there have been exaggeration and misunderstanding, for in some of the reconstructed States, — notably Georgia, Florida, and the Carolinas, — there were no test-oaths and no exclusion from the right of suffrage by reason of participation in the rebellion; and yet hostility to the Reconstruction Acts, and personal wrongs and injuries to the colored men, were quite as marked in these States as in those where certain classes of citizens labored under the stigma of exclusion from the ballot. Possibly it might be said that exclusion, even in one State, was an odious discrimination which all who had taken part in the rebellion would, from a feeling of fellowship, resent and resist. But the truth remains, nevertheless, that in the Southern States in which no test-oaths were applied disturbance, disorder, and resistance to law were as frequent and flagrant as in those where suffrage had in some degree been qualified and restricted.

The original difficulty was the rejection of the Fourteenth Amendment by the South — a difficulty that recurred not only at every

subsequent step of reconstruction, but was even more plainly demonstrated after reconstruction was nominally complete. If that Amendment had been accepted by the Southern States as the basis of reconstruction, the suffrage of the colored man would have followed as a necessity and a boon to the South. It would have originated in popular demand, and the State authorities, instead of expending their power in resisting the decree of the Nation, would have upheld the same franchise with all the earnestness which the combined power of necessity and self-interest could inspire. It is difficult to compute the loss and the suffering endured by the South from the folly of rejecting a Constitutional Amendment, which they could have had with all its benefits, and which they were compelled afterwards to accept with all its burdens. This unhappy result to the South was the fruit of their unwise adherence to Andrew Johnson in a political battle which he was predestined to lose.

It was not unnatural that the unwise action on the part of the South should lead to unwise action on the part of the North; but it must be remembered that if mistakes were made in the system of reconstruction they were for a day only, while the objects sought were for all time. The misfortune was, that the mistakes blinded the eyes of many candid and patriotic men to the real merit of the struggle. It is not the first time in history where a great and noble purpose has been weakened and thwarted by prejudices aroused against the means used to effect it. The design was broad, patriotic, generous, and statesmanlike: the means to attain it aroused prejudices which created obstacles at every step and led to almost fatal embarrassment. The elevation of a race, the stamping out of the last vestige of caste, the obliteration of cruel wrongs, were the objects aimed at by the Republicans. If they remain unaccomplished, or only partially accomplished, no discredit can attach to the great political organization which entertained lofty conceptions of human rights, and projected complete measures for their realization. That prejudice should stand in the way of principle, that subsidiary issues should embarrass the attainment of great ends, that personal and partisan interests should for a time override the nobler instincts of philanthropy, must be regarded with regret, but not with discouragement.

CHAPTER XX.

Resentment against England. — Popular Feeling in the United States. — Conduct of the Palmerston Ministry. — Hostile Speeches in the House of Commons. — Mr. Roebuck. — Lord Robert Cecil. — Conduct of the Tories. — Of the Liberals. — Criticisms of the British Press. — South compared with Ireland. — United States demands Compensation. — Refused by England. — Negotiations. — Johnson-Clarendon Treaty. — Rejected by Senate. — Character of Treaty. — Speech of Mr. Sumner. — Position of President Grant. — Negotiation closed. — England asks that it be re-opened. — Joint High Commission. — Its Deliberations. — Its Basis of Settlement. — Geneva Award. — The Three Rules. — England's Course in Regard thereto. — Private Claims adjusted. — The San Juan Question. — Its Final Settlement. — Hon. George Bancroft.

THE civil war closed with ill-feeling amounting to resentment towards England on the part of the loyal citizens of the United States. They believed that the Government of Great Britain, and especially the aristocratic and wealthy classes (whose influence in the kingdom is predominant), had desired the destruction of the Union, and had connived at it so far as connivance was safe; they believed that great harm had been inflicted on the American marine by rebel cruisers built in English ship-yards and manned with English sailors; they believed that the war had been cruelly prolonged by the Confederate hope of British intervention, — a hope stimulated by the utterances of high officials of the British Government; they believed that her Majesty's Ministers would have been willing at any time to recognize the Southern Confederacy, if it could have been done without the danger of a European conflict, the effect of which upon the interests of England could not be readily measured.

Their belief did not wait for legal proofs or written arguments, nor was it in any degree restrained by technicalities. The American people had followed the varying fortunes of the war with intense solicitude, and had made up their minds that the British Government throughout the contest had been unfriendly and offensive, manifestly violating at every step the fair and honorable duty of a neutral.

They did not ground their conclusions upon any specially enunciated principles of international law; they did not seek to demonstrate, by quotations from accepted authorities, that England had failed in this or in that respect to perform her duty towards the American Government. They simply recognized that England's hand had been against us, concealed somewhat, and used indirectly, but still heavily against us. They left to the officers of their own Government the responsible task of stating the law and submitting the evidence when the proper time should come.

Perhaps the mass of the people in no other country keep so close a watch upon the progress of public events as is kept by the people of the United States. If the scholarship of the few is not so thorough as in certain European countries, the intelligence of the many is far beyond that of any other nation. The popular conclusions, therefore, touching the conduct of England, did not spring from imagination or from prejudice; nor were they the result of illogical inference. To the outside world the British Government is the British Parliament; and citizens of the United States knew that their country had been subjected in the House of Lords and in the House of Commons to every form of misrepresentation, to every insult which malice could invent, to every humiliation which insolence and arrogance could inflict. The most distant generation of Americans will never be able to read the Parliamentary reports from 1861 to 1865 without indignation. Discussions touching the condition of the United States occupied no small share of the time in both Houses, and in the House of Lords cordiality was never expressed for the Union. In the House of Commons the Government of the United States had sympathizing friends, eloquent defenders, though few in number. Bright, Forster, Cobden, and men of that class, spoke brave words in defense of the cause for which brave deeds were done by their kindred on this side of the Atlantic — a kindred always more eager to cherish gratitude than to nurture revenge.

But from the Government of England, terming itself *Liberal*, with Lord Palmerston at its head, Earl Russell as Foreign Secretary, Mr. Gladstone as Chancellor of the Exchequer, the Duke of Argyll as Lord Privy Seal, and Earl Granville as Lord President of the Council, not one friendly word was sent across the Atlantic. A formal neutrality was declared by Government officials, while its spirit was daily violated. If the Republic had been a dependency of Great Britain, like Canada or Australia, engaged in civil strife, it could

not have been more steadily subjected to review, to criticism, and to the menace of discipline. The proclamations of President Lincoln, the decisions of Federal courts, the orders issued by commanders of the Union armies, were frequently brought to the attention of Parliament, as if America were in some way accountable to the judgment of England. Harsh comment came from leading British statesmen; while the most ribald defamers of the United States met with cheers from a majority of the House of Commons, and indulged in the bitterest denunciation of a friendly Government without rebuke from the Ministerial benches.[1]

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[1] The following extracts are from Hansard's Parliamentary Debates: —

May 16th, 1861. Earl Derby, in discussing our blockade of the Southern coast, said: "A blockade extending over a space to which it is physically impossible that an effectual blockade can be applied will not be recognized as valid by the British Government." And he intimated that "it is essentially necessary that the Northern States should not be induced to rely upon *our forbearance.*"

— Feb. 10, 1862. Earl Derby discussed the right of Mr. Lincoln to suspend the writ of *habeas corpus*, and even when Congress had passed a resolution affirming the course taken by the President, the noble Earl declared that "No law can be shown to support the President's exercise of the power."

— May 28, 1861. Mr. Bernal Osborne, in discussing the civil war in the United States, said: "If this were the proper time, I could point to outrages committed by the militia of New York in one of the Southern States occupied by them, where the General commanding, on the pretext that one of his men had been poisoned by strychnine, issued an order of the day, threatening to put a slave into every man's house to incite the slaves to murder their masters. Such was the general order issued by General Butler."

— Feb. 17, 1862. Lord Palmerston discussed the Constitutional powers of the Government, and said he knew that Mr. Seward and Mr. Lincoln could not make war upon their own authority. "We know that very well. *It requires the sanction of the Senate.*"

— March 7, 1862. Mr. Gregory, in discussing the blockade of the Southern ports, said: "Now I can assure my honorable friend that, so far as I was concerned, I should have made use of no irritating expression. I should have affirmed then, as, undeterred by what has occurred since then, I affirm now, that secession was a right, that separation is a fact, and that reconstruction is an impossibility." Mr. Gregory denounced Mr. Seward as "lax, unscrupulous, and lawless of the rights of others."

— March 7, 1862. General Butler's orders were discussed by the Earl of Carnarvon, in the Lords, and by Sir John Walsh and Mr. Gregory in Commons. Lord Palmerston was pleased to tell them that "with regard to the course which Her Majesty's Government may, upon consideration, take on the subject, the House I trust will allow me to say that that will be matter of reflection."

— March 7, 1862. Mr. G. W. P. Bentinck made a very bitter and abusive speech of the United States, and invited Her Majesty's Government to offer some explanation why, according to the policy which they had pursued with respect to Italian affairs, they had abstained from recognizing the independence of the Confederacy. He sneeringly referred to the "endless corruption in every public department in the Northern States."

— April 23, 1863. Mr. G. W. P. Bentinck transcended every limit of courtesy when in referring to Mr. Adams he said: "The idea of the American Minister of honesty and neutrality is remarkable. Every thing is honest to suit his own purposes."

— March 7, 1862. Lord Robert Cecil, in discussing the blockade of the Southern coast, said: "The plain matter of fact is, as every one who watches the current of history must

The notorious Mr. Roebuck, in a debate, March 14, 1864, upon the progress of the civil war, said: "The whole proceedings in this American war are a blot upon human nature; and when I am told that I should have sympathy for the Northern States of America, I turn in absolute disgust from their hypocrisy. If there is a sink of political iniquity, it is at Washington. They are corrupt; they are base; they are cowardly; they are cruel." This highly indecorous speech was made in the presence of members of the British Ministry. The Premier, Lord Palmerston, followed Mr. Roebuck on the floor, calling him his "honorable and learned friend," and offering

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know, that the Northern States of America never can be our sure friends, for this simple reason — not merely because the newspapers write at each other, or that there are prejudices on both sides, but because we are rivals, rivals politically, rivals commercially. We aspire to the same position. We both aspire to the government of the seas. We are both manufacturing people, and in every port, as well as at every court, we are rivals to each other. . . . With respect to the Southern States, the case is entirely reversed. The population are an agricultural people. They furnish the raw material of our industry, and they consume the products which we manufacture from it. With them, therefore, every interest must lead us to cultivate friendly relations, and we have seen that when the war began they at once recurred to England as their natural ally."

— March 14, 1864. Lord Robert Cecil, in discussing the Neutrality Act, admitting that no case of enlistment had been proved against the United States, affirmed that American agents were inducing men to go to America to obtain industrial employment, and said: "When they get there they are enlisted." "What do the Confederates do? Why, they ask also to be allowed to obtain peaceful ships which shall leave our harbors in that condition, and which, directly they get out of our jurisdiction, become vessels of war. The case is precisely the same in both cases — the raw material, so to speak, of the soldier or the vessel of war, is bought in this country, but it is not converted into a belligerent implement until out of our jurisdiction. I confess it seems to me that the offence — if offence it be — is exactly the same in both cases; and it is unjust to charge one party with a desire to elude the law when you do not make the same charge against the other."

— July 18, 1862. Mr. Lindsay, in discussing the question of the civil war, said: "The re-establishment of the Union is indeed hopeless. That being so, — if we come to that conclusion, — it behooves England, in concert, I hope, with the great Powers of Europe, to offer her mediation, and to ask these States to consider the great distress among the people of this country caused entirely by this unhappy civil war which is now raging."

— Aug. 4, 1862. Lord Campbell (discussing the civil war) said: "But if the present moment is abandoned what are we to wait for? Not for Northern victories. Such victories would clearly limit our capacity to acknowledge Southern independence, as it was limited from the defeat and death of Zollicoffer in the winter down to the events which have lately driven General McClellan to the river. *We are to wait, therefore, for new misfortunes to the Government of Washington before we grant to this unhappy strife the possibility of closing.*"

— March 23, 1863. Lord Campbell said: "Swelling with omnipotence, Mr. Lincoln and his colleagues dictate insurrection to the slaves of Alabama." And he spoke of the administration as "ready to let loose four million negroes on their compulsory owners and to renew from sea to sea the horrors and crimes of San Domingo." — He argued earnestly in favor of the British Government joining the government of France in acknowledging Southern independence. He boasted that within the last few days a

neither rebuke nor objection to the words he had used. On the contrary, with jaunty recklessness he accused the American Government of secretly and cunningly recruiting its armies in Ireland, by inducing Irishmen to emigrate as laborers and "then to enlist in some Ohio

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Southern loan of £3,000,000 sterling had been offered in London, and that £9,000,000 were subscribed. He said: "Southern recognition will take away from the Northern mind the hope which lingers yet of Southern subjugation. From the Government of Washington it will take away the power of describing eleven communities contending for their liberty as rebels. . . . Victorious already, animated then, the Southern armies would be doubly irresistible. They would not have, if they retain it now, the power to be vanquished."

— Feb. 5, 1863. Earl Malmesbury spoke disdainfully of treating with so extraordinary a body as the Government of the United States, and referred to the horrors of the war, — "horrors unparalleled even in the wars of barbarous nations."

— March 27, 1863. Mr. Laird of Birkenhead (the builder of the *Alabama* and the rebel rams) was loudly cheered when he declared that "the institutions of the United States are of no value whatever, and have reduced the very name of liberty to an utter absurdity."

— April 23, 1863. Mr. Roebuck declared "that the whole conduct of the people of the North is such as proves them not only unfit for the government of themselves, but unfit for the courtesies and the community of the civilized world." Referring to some case of an English ship that had been seized by an American man-of-war, he declared: "It may lead to war; and I, speaking here for the English people, am prepared for war. I know that language will strike the heart of the peace party in this country, but it will also strike the heart of the insolent people who govern America."

— Lord Palmerston, Prime Minister, simply replied, without other comment, that the question to which Mr. Roebuck referred "is of the greatest possible importance."

— June 30, 1863. Mr. Roebuck asserted that "the South will never come into the Union, and what is more, I hope it never may. I will tell you why I say so. America while she was united ran a race of prosperity unparalleled in the world. Eighty years made the Republic such a power, that if she had continued as she was a few years longer she would have been the great bully of the world. . . . As far as my influence goes, I am determined to do all I can to prevent the reconstruction of the Union. . . . I say then that the Southern States have indicated their right to recognition; they hold out to us advantages such as the world has never seen before. I hold that it will be of the greatest importance that the reconstruction of the Union should not take place."

— April 24, 1863. Mr. Horsman of Stroud said: "We have seen the leviathan power of the North broken and driven back, with nothing to show for two years of unparalleled preparation and vast human sacrifice but failure and humiliation; the conquest of the South more hopeless and unachievable than ever, and Washington at this moment in greater jeopardy than Richmond. . . . I am not surprised that we should hear the questions asked now, 'How long are these afflictions to be endured? How long are the cotton ports of the South to remain sealed to Europe? How long are France and England to be debarred from intercourse with friendly States that owe no more allegiance to the North than they owe to the Pope? And how long are our patient but suffering operatives to remain the victims of an extinct authority and an aggressive and a malevolent Legislature?'"

— June 15, 1863. The Marquis of Clanricarde objected to our blockade, and said it was kept up "although every man of common sense in the United States is now convinced that it is impossible to compel the Southern States to re-enter the Union. . . . It is the duty of the British Government not to allow these infractions of maritime law to continue, which are in effect setting aside all law and practice as hitherto maintained."

regiment or other, and become soldiers with the chance of plunder, and God knows what besides."

Lord Robert Cecil, since known as the Marquis of Salisbury, and at present (1885) Premier of England, only a few months before

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— June 26, 1863. The Marquis of Clanricarde thought that "proceedings of American prize courts should be closely watched, for if doctrines are admitted there contrary to those maintained in the highest courts of this country, great confusion will be the result hereafter."

— June 29, 1863. Mr. Peacocke, complaining of some decisions made in the prize courts of the United States, said : "It is therefore the duty of the House to see how the law is administered in those courts." He confessed that he greatly distrusted these prize courts as they were at that time constituted.

— June 30, 1863. Mr. Clifford spoke of the "wanton barbarity with which the Federal Government has allowed its officers to wage the war, as though they songht to emulate the ravages of Attila and Genghis-Khan. . . . And these things were done not for military objects which would afford some excuse for them, but out of such sheer wanton malice that even the negroes looked on disgusted and aghast."

— Feb. 9, 1864. Mr. Haliburton said : "The Canadians feel that the Americans are a lawless people, who are bound by no ties, who disregard International Law, who resort to violence and force."

— March 4, 1864. Lord Robert Montagu tauntingly remarked that it seemed to him "that it is the Federals who are bound to stop the depredations of the *Alabama*. Why have they not a ship quick enough to catch her and strong enough to destroy her?"

— March 14, 1864. Sir James Fergusson declared that "wholesale peculations and robbery have been perpetrated under the form of war by the Generals of the Federal States, and worse horrors than, I believe, have ever in the present century disgraced European armies, have been perpetrated under the eyes of the Federal Government and yet remain unpunished. These things are notorious as the proceedings of a Government which seems anxious to rival one despotic and irresponsible power of Europe in its contempt for the public opinion of mankind."

— March 18, 1864. The Earl of Donoughmore, referring to a statement in regard to enlistments made by Captain Winslow of the United States ship *Kearsarge*, said that "either he stated what was a transparent falsehood or else he was not fit for his post." He then added: "The fact, however, is that any transparent falsehood seems to be a sufficient excuse for a particular line of conduct when it comes from the Federal Government."

— May 19, 1864. Mr. Alderman Rose declared "the whole system of Government in the Northern States is false, rotten, and corrupt; while the South is making for itself a great name and a glorious history."

— June 9, 1864. Lord Brougham said that he believed there was "but one universal feeling not only in this country, but all over Europe, of reprobation of the continuance of this war, of deep lamentation for its existence, and of an anxious desire that it should at length be made to cease." He lived in hopes "that before long an occasion might arise when in conjunction with our ally on the other side of the channel we shall interfere with effect, and when an endeavor to accommodate matters and restore peace between the two great contending parties will be attended with success."

— Lord John Russell agreed with Lord Brougham that "it is a most horrible war in America. There seems to be such hatred and animosity between great hosts of men, who were lately united under one government, that no consideration seems powerful enough to induce them to put an end to their fratricidal strife; and it is difficult to deal with them on those ordinary principles which have hitherto governed the conduct of civilized mankind."

Mr. Roebuck's disreputable speech, attacked the Judiciary of the United States, and told a story so remarkable that it needs no characterization. "American courts," said his lordship, "are not free from circumstances of suspicion attaching to them peculiarly. It might be that in old times judges sat on the American Bench who enjoyed world-wide reputation, but within the last two or three years the American tribunals have delivered their decisions under the pressure of fixed bayonets. The Supreme Court of America two years ago was applied to for the purpose of enforcing the provisions of the American Constitution; but the Judges were unable to pronounce the judgment which their consciences would have prompted them to deliver, *because the soldiers of President Lincoln, appearing at their doors in arms, so terrified them that they perverted the law to suit the design of the Executive.*" If his Lordship believed this groundless calumny, his ignorance concerning the United States would be subject of pity. If his Lordship did not believe it, the just accusation against him is too serious to be stated in these pages.

During the first year of the war Lord Robert Cecil had so frankly expressed his view of the situation and his belief in the gain to England which would result from the destruction of the American Union, that his extraordinary madness may at least be said to have had a method. He was already a prominent member of the party of which he is now the head, and really reflected their sentiment as to the advantage which would come to England if the rebellion should be successful and the Southern Confederacy established. They had witnessed the marvelous growth of the United States, and had concluded that, already a powerful rival, the Republic would certainly be dangerous as an enemy. This view is discernible in the Tory speeches in Parliament and in the Tory press of England, and was the motive which inspired so many Englishmen to connive at the destruction of the American Union. They went to great length, even establishing an association to promote the cause of the rebellion, and to supply the Confederate Treasury with money. Lord Robert Cecil was one of the Vice-Presidents of the "Southern Independence Association" and a subscriber to the Confederate loan, as were also Mr. Roebuck, Mr. Gregory, and many other members of the British Parliament.[1]

[1] The subscribers to the Confederate loan in England were very numerous. The following were among the most conspicuous, as given in an official list.

Right Hon. Lord Wharncliffe; Marquis of Bath; Marquis of Lothian; Admiral, Right Hon. Lord Fitzardinge; Right Hon. Lord Claud Hamilton, M.P.; Right Hon. Viscount

The conduct of the Tories was not, however, a surprise to the American people. From the earliest period of our National existence we had received from that party constant demonstrations of unfriendliness; and where safe opportunity offered, insult was added. But of the Liberal party Americans had hoped, nay, had confidently expected, if not open demonstrations of sympathy, at least a neutrality which would deprive the Rebel leaders of any form of encouragement. When the first shadow of real danger to the Union appeared in 1860–61, there was instinctive gladness among loyal Americans that a Liberal Ministry was in power in England, composed of men who would in no event permit their Government to be used in aid of a rebellion whose first object was the destruction of a kindred nation, and whose subsequent policy looked to the perpetuation of human slavery. But the hope proved to be only the delusion of a day. Americans found the Palmerston Ministry in a hostile mood and ready to embarrass the Government of the Union by every course that might be taken with safety to the interests of England; and they at once recognized a vast increase of the force against which they must contend.

But there was one apprehension which constantly enforced a limitation upon the action of the British Government, and that was the danger that an open espousal of the cause of the Confederacy would be the signal for a European conflict. Russia was more than friendly to us: Germany had no interest in our destruction. Russia was hostile to England: Germany was hostile to France. Active intervention by England and France, so much talked of, might have

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Lefford; Right Hon. Lord Teynham; Viscount Goimanson; Lord Robert Cecil, M.P.; Lord Henry F. Thynne, M.P.; Sir John W. H. Anson; Sir Gerald George Aylmer; Sir George H. Beaumont; Sir Samuel Bignold; Sir W. H. Capell Brook; Sir C. W. C. de Crispigny; Sir T. B. Dancer; Sir Arthur H. Elton; Sir W. H. Fielden; Sir W. Fitzherbert; Rev. Sir C. H. Foster; General Sir J. W. Gulse; Sir Robert Harty; Sir William Hartopp; Sir Henry A. Hoare; Sir Henry de Hoghton; Vice-Admiral Hon. Sir Henry Keppel; Sir Edward Kerrison, M.P.; Sir John Dick Lander, M.P.; Sir E. A. H. Lechmere; Sir Coleman M. O. Loghlin, M.P.; Rev. C. R. Lighton, Bart.; Lieut.-Col. Sir Coutts Lindsay; Captain Sir G. N. Brooke Middleton; Sir Edmund Prideaux; Sir George Ramsey; Sir John S. Richardson; Sir George S. Robinson; Sir John S. Robinson; Sir J. A. Stewart; Sir W. D. Stewart; Sir John Tysser Tyrrell; Sir C. F. Lascelles Wraxall; Hon. A. Duncombe, M.P.; Colonel, Right Hon. G. C. W. Forester, M.P.; Right Hon. J. Whiteside, M.P.; Hon. Percy S. Windham, M.P.; Lieut.-Col. T. Peers Williams, M.P.; Hon. W. Ashley; Major Hon. W. E. Cochrane; Hon. M. Portman; Hon. S. P. Vereker; Richard Bremige, M.P.; W. H. Gregory, M.P.; Judge Haliburton, M.P.; John Hardy, M.P.; Beresford A. J. B. Hope, M.P.; J. T. Hopewood, M.P; W. S. Lindsay, M.P.; Mathew Henry Marsh, M.P.; Francis Macdonough, M.P.; J. A. Roebuck, M.P.; William Scholefield, M.P.; William Vansittart, M.P.; Arthur Edwin Way, M.P.

caused an earlier dethronement of Napoleon III., and a struggle in the East which would have left England no military power to expend on this side of the Atlantic. The American citizen cannot so wilfully or ignorantly deceive himself as to believe that the Palmerston Government, from any consideration of the duties of neutrality, from any sympathy with the anti-slavery aspect of the contest, or from any ennobling impulse whatever, refrained from formal recognition of the Southern Confederacy and the open espousal of its cause.

When the question of recognizing the Confederacy came before Parliament, it was withdrawn after discussion by request of Mr. Gladstone, Chancellor of the Exchequer. He assured the House that "the main result of the American contest is not, humanly speaking, *in any degree doubtful*." He thought "there never was a war of more destructive, more deplorable, more hopeless character." The contest in his judgment was "a *miserable* one." "We do not," said he, "believe that the restoration of the American Union by force is attainable. *I believe that the public opinion of this country is unanimous upon that subject.* It is not, therefore, from indifference, it is not from any belief that this war *is waged for any adequate or worthy object on the part of the North*, that I would venture to deprecate in the strongest terms the adoption of the motion of the honorable and learned gentleman." The "honorable and learned gentleman" was Mr. Roebuck, already quoted; and his motion was for the recognition of the Southern Confederacy as an independent Nation. The argument which Mr. Gladstone brought against it was in effect that the Confederacy was sure to succeed without foreign intervention. The fruit when ripe would fall of itself, and hence there was no need of prematurely beating the tree. The platform speeches of Mr. Gladstone were still more offensive and unjust, but he need be held answerable only for official declarations.

The only friends of the United States in England at that trying period were to be found among the "middle classes," as they are termed, and among the laboring men. The "nobility and gentry," the bankers, the great merchants, the ship-builders, were in the main hostile to the Union, — wishing and waiting for the success of the Confederacy. The honorable exceptions to this general statement were so few in number that they could exert little influence on public opinion and still less upon the course of the Ministry. The philanthropy, the foresight, the insight of the realm were found among the humbler classes. In all parts of the kingdom the laboring

men were on the side of the Union. Though they suffered from a cotton-famine, they knew by intuition that the founding of a slave empire in America would degrade labor everywhere; they knew that the triumph of the Union signified the equality of human rights and would add to the dignity and reward of labor. It would have been well for England's fame and for her prosperity if the statesmen at Westminster had shared the wisdom and the nobler instincts of the operatives of Lancashire.

When the National Government had finally triumphed over the rebellion despite the evil wishes and machinations of England, Parliament suddenly ceased to consider the condition of the United States as one of the regular orders of the day; and Lord Palmerston, when inquiry was addressed to him whether any representations would be made in regard to the arrest of Jefferson Davis, curtly replied that it was not the intention of the Government in any respect to interfere with the internal affairs of the United States. The only expression now made in Parliament touching our policies, was one of solicitude lest our Government should deal with the citizens of the Southern States in terms of severity. In June, 1865, two months after the war closed, two noble earls, Russell and Derby, took it upon themselves to advise the American Government against the indulgence of passion and revenge towards those who had engaged in the rebellion. Earl Derby thought that "the triumphant Government should seek not to exasperate the feelings of their former antagonists, which have already been too much embittered, but should endeavor by deeds of conciliation and of mercy to re-cement if possible a Union so nearly dissolved." Earl Russell expressed the opinion that it was "most desirable that there should be no appearance of passion on the part of those who have the guidance of affairs in the American Union."

Kindly advice is never to be rudely repelled; but this was counsel which the American Government did not need. The war had closed without the execution of a single man who had borne arms against the Government, without imprisonment, without confiscation of property, without even depriving one rebel of his franchise as an elector. The advice of the noble earls, on the side of mercy, would have had more weight and influence, had weight and influence been needed, if their own Government, after every rebellion,

however small or under however great provocation, had not uniformly followed its victory by the gibbet, by imprisonment, by transportation of the men who had taken up arms against intolerable oppression. If noble earls of England had scrutinized English policy, and advised their own Government as they now advised the Government of the United States, some heroic lives would have been spared to Ireland, and subjects in India would not have been doomed to a personal degradation which heightened the horror of impending death.

But while offensive surveillance of American affairs ceased in Parliament, offensive criticisms in the British Press continued throughout the period of Reconstruction, and our Government was held answerable for alleged wrongs and outrages against a conquered foe. Especial hostility was exhibited towards the Republican party, which had conducted the Government through the war and led it to its complete triumph. This party controlled Congress when it levied heavy protective duties and stimulated manufacturing in America as the basis of that financial strength which proved during the civil war a marvel to the world. Offended by the Protective policy of the United States, the British Press now denounced the measures proposed for the Reconstruction of the South. No censure was too harsh, no epithet too severe to apply to the policy and to the Republican party that stood sponsor for it. It might have surprised those English critics to learn that the opponents of the Reconstruction policy at home could find nothing to say of it so denunciatory or so concentrated in bitterness as that the National Government was trying to reduce the Southern States to the condition of Ireland. And thus while we were receiving from British oracles multiplied instructions as to the manner of dealing with the States that had attempted to break from their allegiance, those States knew that almost within sight of England's shores there could be found the worst governed, the most cruelly treated people within the circle of Christendom. The American mote could be plainly descried beyond the broad ocean, but the Irish beam was not visible across the narrow channel.

The comparison of the Southern States under the measures of Reconstruction, with Ireland under the measures of the British Government, naturally suggested by hostile criticism in the English press, is not without its useful lessons. The complaint of discontented people in the Southern States was that there had been too great an expansion of popular rights, too large an extension of the

elective franchise. But in Ireland, according to eminent British statesmen and historians, the suffering was from directly opposite causes.[1] Self-government of all the people was the rule established in the Southern States: subjection of all the people and government with the sword was the rule established in Ireland. Even if the American Government had made a mistake in its treatment of the Southern States, the history and traditions of the Republic gave

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[1] Three eminent British authorities may be quoted as to the mode in which England has governed Ireland.

— Mr. Lecky, in his history of England in the eighteenth century, in reviewing the condition of Ireland, says, in 1878: "It would be difficult in the whole compass of history to find another instance in which such various and such powerful agencies concurred to degrade the character and to blast the prosperity of a nation. That the greater part of them sprang directly from the corrupt and selfish Government of England is incontestable. No country ever exercised a more complete control over the destinies of another than did England over those of Ireland for three-quarters of a century after the Revolution. No serious resistance of any kind was attempted. The nation was as passive as clay in the hands of the potter, and it is a circumstance of peculiar aggravation that a large part of the legislation I have recounted was a distinct violation of a solemn treaty. The commercial legislation which ruined Irish industry, the confiscation of Irish land, which disorganized the whole social condition of the country, the scandalous misapplication of patronage, which at once demoralized and impoverished the nation, were all directly due to the English Government and the English Parliament."

— Mr. Macaulay, in a speech in the House of Commons on the state of Ireland, in Feb., 1844, said: "My first proposition, sir, will scarcely be disputed. Both sides of the House are fully agreed in thinking that the condition of Ireland may well excite great anxiety and apprehension. That island, in extent about one-fourth of the United Kingdom, in population more than one-fourth, superior probably in natural fertility to any area of equal size in Europe, possessed of natural facilities for trade such as can nowhere else be found in an equal extent of coast, an inexhaustible nursery of gallant soldiers, a country far more important to the prosperity, the strength, the dignity of this great empire than all our distant dependencies together, than the Canadas and the West Indies added to Southern Africa, to Australasia, to Ceylon, and to the vast dominions of the Moguls, — that island, sir, is acknowledged by all to be so ill affected and so turbulent that it must, in any estimate of our power, be not added, but deducted. You admit that you govern that island, not as you govern England and Scotland, but as you govern your new conquests in Scinde; not by means of the respect which the people feel for the laws, but by means of bayonets, of artillery, of entrenched camps."

— Edmund Burke, writing to Sir Hercules Langrishe, in 1792, said: "The original scheme was never deviated from for a single hour. Unheard-of confiscations were made in the Northern parts, upon grounds of plots and conspiracies never proved upon their supposed authors. The war of chicane succeeded to the war of arms and of hostile statutes; and a regular series of operations were carried on, particularly from Chichester's time, in the ordinary courts of justice and by special commissions and inquisitions: First under pretense of tenures, and then of titles in the Crown, for the purpose of the total extirpation of the interests of the natives in their own soil, until this species of subtle ravage being carried to the last excess of oppression and insolence under Lord Strafford, it kindled the flames of that rebellion which broke out in 1641. By the issue of that war, by the turn which the Earl of Clarendon gave to things at the Restoration, and by the total reduction of the kingdom of Ireland in 1691, the ruin of the native Irish, and in a great measure too of the first races of the English, was completely accomplished."

ample guarantee that wrong steps would be speedily retraced, that all grievances would be thoroughly redressed; whereas the complaints of Ireland have remained unredressed for centuries.

There is no parallel among civilized nations to the prolonged discontent among the Irish people. A race gifted with many of the noblest qualities of humanity, strong in intellect and quick in apprehension, could not for centuries complain of grievances if they did not exist, and the grievances could not exist for centuries without serious reproach to the British Government. To the lasting honor of American statesmanship, Southern grievances were not allowed by neglect or arrogance to grow and become chronic after the civil war had closed. The one safeguard against an evil so great was the restoration of self-government to the people who had rebelled, the broadening of the elective franchise, the abolition of caste and privilege. If Englishmen had studied the Reconstruction policy instead of deriding it, they might have learned that the American Government accomplished for the South in four years what their own Government has failed to accomplish for Ireland through ten generations.

The Government of the United States had steadily protested during the continuance of the civil war against the unfriendly and unlawful course of England, and it was determined that compensation should be demanded upon the return of Peace. Mr. Adams, under instructions from Secretary Seward, had presented and ably argued the American case. He proposed a friendly arbitration of the *Alabama* claims, but was met by a flat refusal from Earl Russell, who declined on the part of the British Government either to make reparation or compensation, or permit a reference to any foreign State friendly to both parties.

In the autumn succeeding the close of the war, Mr. Seward notified the British Government that no further effort would be made for arbitration, and in the following August (1866) he transmitted a list of individual claims based upon the destruction caused by the *Alabama*. Lord Stanley (the present Earl of Derby) had succeeded Earl Russell in the Foreign Office, and declined to recognize the claims of this Government in as decisive a tone as that employed by Earl Russell. Of opposite parties, Earl Russell and Lord Stanley were supposed to represent the aggregate, if not indeed the unani-

mous, public opinion of England; so that the refusal to accede to the demands of the United States was popularly accepted as conclusive. Mr. Adams retired from his mission, in which his services to the country had been zealous and useful, without effecting the negotiations which he had urged upon the attention of the British Government. He took his formal leave in May, 1868, and was succeeded the following month by Mr. Reverdy Johnson.

The new Minister carried with him the respect and confidence of his fellow-citizens. Appointed directly after the Impeachment trial of President Johnson, he was among the few statesmen of the Democratic party who could have secured the ready confirmation of the Senate for a mission which demanded in its incumbent a talent for diplomacy and a thorough knowledge of International law. The only objection seriously mentioned at the time against Mr. Johnson's appointment, was the fact that he was in his seventy-third year, and might not therefore be equal to the exacting duties which his mission involved.

Before Mr. Johnson could open his negotiation, the British Ministry was changed, — Mr. Disraeli giving way to Mr. Gladstone as Premier, and Lord Stanley being succeeded by Lord Clarendon as Minister of Foreign Affairs. With the latter Mr. Johnson very promptly agreed upon a treaty, which reached the United States in the month of February, 1869. It purported to be a settlement of the questions in dispute between the two countries. There was great curiosity to learn its provisions. Much was hoped from it, because it was known to have been approved by Mr. Seward at the various stages of the negotiation, — a constant and confidential correspondence having been maintained by cable, between the State Department and the American Legation in London, on every phase of the treaty.

Mr. Seward had earned approbation so hearty and general by his diplomatic correspondence with Great Britain during the war and in the years immediately succeeding, that no one was prepared for the disappointment and chagrin experienced in the United States when the Johnson-Clarendon treaty was made public. It gave almost personal offense to the mass of people in the loyal States. It overlooked, and yet by cunning phrase condoned, every unfriendly act of England during our civil war. It affected to class the injuries inflicted upon the Nation as mere private claims, to be offset by private claims of British subjects, — the whole to be referred to a joint

commission, after the ordinary and constantly recurring method of adjusting claims of private individuals that may have become matter of diplomatic interposition.

The preamble to the treaty established its character and proved its utter inadequacy to meet the demands of the United States. It was in these words: "Whereas claims have at various times since the exchange of the ratifications of the convention between Great Britain and the United States of America, signed at London on the 8th of February, 1853, been made upon the Government of her Britannic Majesty on the part of citizens of the United States, and upon the Government of the United States on the part of subjects of her Britannic Majesty; and whereas *some of such claims are still pending and remain unsettled*, her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the President of the United States of America, being of opinion that a speedy and equitable settlement of all such claims will contribute much to the maintenance of the friendly feelings which subsist between the two countries, have resolved to make arrangements for that purpose by means of a convention."

Among the first provisions of the treaty was a declaration that the result of the proceedings of the commission thus to be provided for, should be considered as "a full and final settlement of every claim upon either government arising out of any transaction of a date prior to the exchange of ratifications;" and all claims thereafter were to be "considered and treated as finally settled and barred, and thenceforth inadmissible." For eight years the Government of the United States had been protesting against the unfriendly course of Great Britain, against her premature recognition of the Confederate States as belligerents, against her special concession of ocean belligerency, against her making the dockyards and arsenals on her own soil the dockyards and arsenals of the Confederacy, against her wilful depredation upon the commerce of the United States, against the destruction of property belonging to American citizens by her agency and her fault. And now Mr. Johnson and Lord Clarendon had concluded a treaty which practically admitted that the complaints of the United States, as a government, against the conduct of Great Britain, as a government, had been mere rant and bravado on the part of the United States, and were not to be insisted on before any International tribunal, but to be merged in an ordinary claims convention, by whose award a certain amount in dollars and

cents might be paid to American claimants and a certain amount in pounds, shillings and pence might be paid to British claimants. The text of the treaty did not indicate in any manner whatever that either nation was more at fault than the other touching the matters to be arbitrated.

The treaty had short life in the Senate. The Committee on Foreign Relations, after examination of its provisions, reported that it should "be rejected." Mr. Sumner, who made the report, said it was the first time since he had entered the Senate that such a report had been made concerning any treaty. Amendments, he said, were sometimes suggested, and sometimes a treaty had been reported without any recommendation; but the hostility to the entire spirit and to every detail of the Johnson-Clarendon treaty was so intense that the Committee had made the positive recommendation that it be rejected. This action was taken in the month of April, 1869, a few weeks after President Grant had entered upon his office. It was accompanied by a speech from Mr. Sumner, made in Executive session, but by direction of the Senate given to the public, in which the reasons for the action of the Senate were stated with great directness, precision and force.

After enumerating the extent of our losses, National and individual, direct and indirect, Mr. Sumner said: "If the case against England is strong, and if our claims are unprecedented in magnitude, it is only because the conduct of that power at a trying period was most unfriendly, and the injurious consequences of this conduct were on a scale corresponding to the theatre of action. Life and property were both swallowed up, leaving behind a deep-seated sense of enormous wrong, as yet unatoned and even unacknowledged, which is one of the chief factors in the problem now presented to the statesmen of both countries. . . . The truth must be told, not in anger, but in sadness. England has done to the United States an injury most difficult to measure. Considering when it was done and in what complicity, it is most unaccountable. At a great epoch of history, not less momentous than that of the French Revolution or that of the Reformation, when civilization was fighting a last battle with slavery, England gave her influence, her material resources, to the wicked cause, and flung a sword into the scale with slavery."

President Grant was in full sympathy with the Senate in its prompt rejection of the Johnson-Clarendon treaty, and in his annual message to Congress in the ensuing December (1869) he expressed

his entire dissent from its provisions.[1] He thought the rejection of the treaty was "followed by a state of public opinion on both sides not favorable to an immediate attempt at renewed negotiation," and expressed "the hope that the time will soon arrive when the two Governments can approach the solution of this momentous question, with an appreciation of what is due to the rights, dignity, and honor of each."

The rejection of the Johnson-Clarendon treaty was formally announced to the British Government through Mr. Motley, who succeeded Mr. Johnson as Minister at London. Mr. Fish, in his letter of instructions, suggested to Mr. Motley the propriety of suspending negotiations for the present on the whole question. At the same time he committed the Government of the United States anew to the maintenance of the claim for National damages, as well as for the losses of individual citizens. And thus the matter was allowed to rest. The United States, though deeply aggrieved, did not desire to urge the negotiation in a spirit of hostility that implied readiness to go to war upon the issue, and simply trusted that a

[1] The following is the language of President Grant in his message: —

"Toward the close of the last Administration a convention was signed at London for the settlement of all outstanding claims between Great Britain and the United States, which failed to receive the advice and consent of the Senate to its ratification. The time and the circumstances attending the negotiation of that treaty were unfavorable to its acceptance by the people of the United States, and its provisions were wholly inadequate for the settlement of the grave wrongs that had been sustained by this Government as well as by its citizens.

"The injuries resulting to the United States by reason of the course adopted by Great Britain during our late civil war in the increased rates of insurance; in the diminution of exports and imports, and other obstructions to domestic industry and production; in its effect upon the foreign commerce of the country; in the decrease and transfer to Great Britain of our commercial marine; in the prolongation of the war and the increased cost, both in treasure and in lives, of its suppression, could not be adjusted and satisfied as ordinary commercial claims, which continually arise between commercial nations. And yet the convention treated them simply as such ordinary claims, from which they differ more widely in the gravity of their character than in the magnitude of their amount, great even as is that difference. Not a word was found in the treaty, and not an inference could be drawn from it, to remove the sense of the unfriendliness of the course of Great Britain in our struggle for existence, which has so deeply and universally impressed itself upon the people of this country.

"Believing that a convention thus misconceived in its scope and inadequate in its provisions would not have produced the hearty, cordial settlement of pending questions, which alone is consistent with the relations which I desire to have firmly established between the United States and Great Britain, I regarded the action of the Senate in rejecting the treaty to have been wisely taken in the interest of peace, and as a necessary step in the direction of a perfect and cordial friendship between the two countries. A sensitive people conscious of their power are more at ease under a great wrong wholly unatoned than under the restraint of a settlement which satisfies neither their ideas of justice nor their grave sense of the grievance they have sustained."

returning sense of justice in the British Government would lead to a renewal of negotiations and a friendly adjustment of all differences between the two Governments.

A year went by and nothing was done. The English Government was not disposed to go a step beyond the provisions of the Johnson-Clarendon treaty, and had indeed been somewhat offended by the promptness with which the Senate had rejected that agreement, especially by the emphasis which the speech of Mr. Sumner had given to the Senate's action. President Grant remained altogether patient and composed — feeling that postponement could not be a loss to the American Government, and would certainly prove no gain to the British Government. In his annual message to Congress of December, 1870, he assumed a position which proved embarrassing to England. He recognized the fact that "the Cabinet at London does not appear willing to concede that her Majesty's Government was guilty of any negligence, or did or permitted any act of which the United States has just cause of complaint;" and he re-asserted with great deliberation and emphasis that "*our firm and unalterable convictions are directly the reverse.*" The President therefore recommended that Congress should "authorize the appointment of a commission to take proof of the amounts and the ownership of these several claims, *on notice to the representative of her Majesty at Washington*, and that authority be given for the settlement of these claims by the United States, so that the Government shall have the ownership of the private claims, as well as the responsible control of all the demands against Great Britain."

President Grant was evidently resolved that the Government of the United States should not allow the pressing need of private claimants to operate in any degree upon public opinion in the United States, so as to create a demand for settlement with England on any basis below that which National dignity required. He felt assured that Congress would respond favorably to his recommendation, and that with the individual claimants satisfied our Government could afford to wait the course of events. This position convinced the British Government that the President intended to raise the question in all its phases above the grade of private claims, and to make it purely an international affair. No more effective step could have been taken; and the President and his adviser, Secretary Fish, are entitled to the highest credit for thus elevating the character of the issue — an issue made all the more impressive from the quiet man-

ner in which it was presented, and from the characteristic coolness and determination of the Chief Magistrate who stood behind it.

Meanwhile the sanguinary war between Germany and France had broken out, and was still flagrant when President Grant's recommendation for paying the *Alabama* claims from the National Treasury was sent to Congress. Though the foreign conflict terminated without involving other nations, it forcibly reminded England of the situation in which she might be placed if she should be drawn into a European war, the United States being a neutral power. It would certainly be an unjust imputation upon the magnanimity and upon the courage of the people of the United States to represent them as waiting for an opportunity to inflict harm upon England for her conduct towards this Government in the hour of its calamity and its distress. It was not by indirection, or by stealthy blows, or by secret connivance with enemies, or by violations of international justice, that the United States would ever have sought to avenge herself on England for the wrongs she had received. If there had been a disposition among the American people impelling them to that course, it would assuredly have impelled them much farther.

But England was evidently apprehensive that if she should become involved in war, the United States would, as a neutral power, follow the precedent which the English Government had set in the war of the rebellion, and in this way inflict almost irreparable damage upon British shipping and British commerce. Piratical *Alabamas* might escape from the harbors and rivers of the United States, as easily as they had escaped from the harbors and rivers of England; and she might well fear that if a period of calamity should come to her, the people of the United States, with the neglect or connivance of their Government, would be as quick to add to her distress and embarrassment as the people of England, with the neglect or connivance of their Government, had added to the distress and embarrassment of the United States. Conscience does make cowards of us all; and Great Britain, foreseeing the possibility of being herself engaged in a European war, was in a position to dread lest her ill intentions and her misdeeds in the time of our civil struggle should return to plague her.

These facts and apprehensions seem to have wrought a great change in the disposition of the British Government, and led them to seek a re-opening of the negotiation. In an apparently unofficial way Sir John Rose, a London banker (associated in business with Honor-

able L. P. Morton, a well-known banker and distinguished citizen of New York), came to this country on a secret mission early in January, 1871. President Grant's message had made a profound impression in London, the Franco-Prussian war had not yet ended, and Her Majesty's Ministers had reason to fear trouble with the Russian Government. Sir John's duty was to ascertain in an informal way the feeling of the American Government in regard to pending controversies between the two countries. He showed himself as clever in diplomacy as he was in finance, and important results followed in an incredibly short space of time. An understanding was reached, which on the surface expressed itself in a seemingly casual letter from Sir Edward Thornton to Secretary Fish of the 26th of January, 1871, communicating certain instructions from Lord Granville in regard to a better adjustment of the fishery question and all other matters affecting the relations of the United States to the British North-American possessions. To settle this question Sir Edward was authorized by his Government to propose the creation of a Joint High Commission, the members to be named by each Government, which should meet in Washington and discuss the question of the fisheries and the relations of the United States to her Majesty's possessions in North America.

Mr. Fish replied in a tone which indicated that Sir Edward was really serious in his proposition to organize so imposing a tribunal to discuss the fishery question. He informed Sir Edward that "in the opinion of the President the removal of differences which arose during the rebellion in the United States, and which have existed since then, growing out of the acts committed by several vessels, which have given rise to the claims generally known as the *Alabama* Claims, will also be essential to the restoration of cordial and amicable relations between the two Governments." Sir Edward waited just long enough to hear from Lord Granville by cable, and on the day after the receipt of Mr. Fish's note assented in writing to his suggestion, adding a request that "all other claims of the citizens of either country, arising out of the acts committed during the recent civil war in the United States, might be taken into consideration by the Commission." To this Mr. Fish readily assented in turn.

The question which for six years had been treated with easy indifference if not with contempt by the British Foreign Office had in a day become exigent and urgent, and the diplomatic details

which ordinarily would have required months to adjust were now settled by cable in an hour. The first proposal for a Joint High Commission was made by Sir Edward Thornton on the 26th of January, 1871; and the course of events was so rapid that in twenty-seven days thereafter the British Commissioners landed in New York *en route* to Washington. They sailed without their commissions, which were signed by the Queen at the castle of Windsor on the sixteenth day of February and forwarded to them by special messenger. This was extraordinary and almost undignified haste, altogether unusual with Plenipotentiaries of Great Britain. It was laughingly said at the time that the Commissioners were dispatched from London "so hurriedly that they came with portmanteaus, leaving their servants behind to pack their trunks and follow." For this change of view in the British Cabinet and this courier-like speed among British diplomatists, there was a double cause, — the warning of the Franco-Prussian war, and President Grant's proposition to pay the *Alabama* Claims from the Treasury of the United States — and wait. Assuredly the President did not wait long!

The gentlemen constituting the Joint High Commission were well known in their respective countries, and enjoyed the fullest measure of public confidence, thus insuring in advance the acceptance of whatever settlement they might agree upon.[1] The result of their deliberations was the Treaty of Washington, concluded on the eighth day of May, 1871. It took cognizance of the four questions at issue between the two countries, and provided for the settlement of each. The *Alabama* claims were to be adjusted by a commission to meet at Geneva, in Switzerland; all other claims for loss or damage of any kind, between 1861 and 1865, by subjects of Great Britain or citizens of the United States, were to be adjusted

[1] The Commissioners on behalf of Great Britain were the Earl de Grey and Ripon, President of the Queen's Counsel; Sir Stafford Northcote, late Chancellor of the Exchequer; Sir Edward Thornton, British Minister at Washington; Sir John Macdonald, Premier of the Dominion of Canada; and Montague Bernard, Professor of International Law in the university of Oxford. On the part of the United States the Commissioners were Hamilton Fish, Secretary of State; Robert C. Schenck, who had just been appointed Minister to Great Britain; Samuel Nelson, Justice of the Supreme Court; E. Rockwood Hoar, late Attorney-General; and George H. Williams, late senator of the United States from Oregon. — The Secretaries were Lord Tenterden, under secretary of the British Foreign Office, and J. C. Bancroft Davis, Assistant Secretary of State of the United States

by a commission to meet in Washington; the San Juan question was to be referred for settlement to the Emperor of Germany, as Umpire; and the dispute in regard to the fisheries was to be settled by a commission to meet at Halifax, Nova Scotia.

The basis for adjusting the *Alabama* claims was promptly agreed upon. This question stood in the forefront of the treaty, taking its proper rank as the principal dispute between the two countries. Her Britannic Majesty had authorized her High Commissioners and plenipotentiaries "to express in a friendly spirit the regret felt by Her Majesty's Government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels." And with the expression of this regret, Her Britannic Majesty agreed, through her Commissioners, that all the claims growing out of acts committed by the aforesaid vessels, and generally known as the *Alabama* claims, "shall be referred to a tribunal of arbitration, to be composed of five arbitrators, — one to be named by the President of the United States, one by the Queen of England, one by the King of Italy, one by the President of the Swiss Confederation, and one by the Emperor of Brazil." This was a great step beyond the Johnson-Clarendon treaty, which did not in any way concede the responsibility of England to the Government of the United States. It was a still greater step beyond the flat refusal, first of Earl Russell and then of Lord Stanley, to refer the claims to the ruler of a friendly state.

But England was willing to go still farther. She agreed that "in deciding the matters submitted to the arbitrators, they shall be governed by three rules, which are agreed upon by the high contracting parties as rules to be taken as applicable to the case; and by such principles of International Law, not inconsistent therewith, as the Arbitrators shall determine to have been applicable to the case."[1]

[1] The following are the three rules agreed upon: —

"A neutral Government is bound —

"First, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use.

"Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men.

"Thirdly, to exercise due diligence in its own ports and waters, and, as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties."

Her Britannic Majesty had commanded her High Commissioners to declare that "Her Majesty's Government cannot assent to these rules as a statement of the principles of International Law which were in force at the time when the claims arose; but that Her Majesty's Government, in order to evince its desire of strengthening the friendly relations between the two countries, and of making satisfactory provision for the future, agrees that in deciding the questions between the two countries arising out of those claims, the Arbitrators shall assume that Her Majesty's Government had undertaken to act upon the principles set forth in these rules."

Her Majesty's Government had needlessly lost six years in coming to a settlement which was entirely satisfactory to the Government and people of the United States. Indeed a settlement at the close of the war could have been made with even less concession on the part of Great Britain, and perhaps if it had been longer postponed the demands of the Government of the United States might have increased. Wars have grown out of less aggravation and dispute between nations; but the Government of the United States had never anticipated such a result as possible, and felt assured that in the end Great Britain would not refuse to make the reparation honorably due.

The Arbitrators met in the ensuing December at Geneva, Switzerland, and after a hearing of nine months agreed upon an award, made public on the 14th of September, 1872. The judgment was that "the sum of $15.500,000 in gold be paid by Great Britain to the United States for the satisfaction of all the claims referred to the consideration of the tribunal." Sir Alexander Cockburn, the British Commissioner, dissented in a somewhat ungracious manner from the judgment of his associates; but as the majority had been specially empowered to make an award, the refusal of England's representative to join in it did not in the least degree affect its validity.[1]

There is some question as to whether the British Government has discharged one of the obligations which it assumed under the treaty. After the three rules had been agreed upon, a clause of the treaty declared that "the high contracting parties agree to observe these

[1] The arbitrators who met at Geneva were as follows: —

Great Britain appointed Sir Alexander Cockburn; the United States appointed Mr. Charles Francis Adams; the King of Italy named Count Frederick Sclopis; the President of the Swiss Confederation named Mr. Jacob Stæmpfli; the Emperor of Brazil named the Baron d'Itajubá. Mr. J. C. Bancroft Davis was appointed Agent of the United States; and Lord Tenterden was the Agent of Great Britain.

rules as between themselves in future, and to bring them to the knowledge of the other maritime powers and invite them to accede to them." Declaring that the three rules had not been recognized theretofore as International Law by her Majesty's Government, it was a fair agreement that they should be recognized thereafter, and that the combined influence of the British and American Governments should be used to incorporate them in the recognized code of the world.

But the Government of England has been unwilling to perform the duty which had thus been agreed upon, and this refusal gives rise to the impression that England does not desire to bind herself with other nations as she has bound herself with the United States. As the matter stands, if England should be involved in war with a European power, the United States is strictly bound by the letter and spirit of the three rules; but if two Continental powers become engaged in war, England is not bound by those rules in her conduct towards them. She certainly has gained much in securing the absolute neutrality of the United States when she is engaged in war, but it cannot be considered an honorable compliance with the obligations of the treaty if she fails to use her influence to extend the operation of the rules.

Following the provision for arbitration of the *Alabama* claims, the Treaty of Washington provided for a Commission to adjust "all claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of her Britannic Majesty; and on the part of corporations, companies or private individuals, subjects of her Britannic Majesty, upon the Government of the United States." These were claims arising out of acts committed against the persons or property of citizens of either country by the other, during the period between the 13th of April, 1861, and the 9th of April, 1865, inclusive,—being simply the damages inflicted during the war. The tribunal to which all such claims were referred was constituted of three Commissioners; one to be named by the President of the United States, one by her Britannic Majesty, and the third by the two conjointly.

The Commission was organized at Washington on the 26th of September, 1871, and made its final award at Newport, Rhode Island, on the 25th of September, 1873. The claims presented by American

citizens before the Commission were only nineteen in number, amounting in the aggregate to a little less than a million of dollars. These claims were all rejected by the Commission — no responsibility of the British Government having been established. The subjects of her Majesty presented 478 claims which, with interest reckoned by the rule allowed by the Commission, amounted to $96,000,000. Of this number 181 awards were made in favor of the claimants, amounting in the aggregate to $1,929,819, or only two per cent of the amount claimed. The amount awarded was appropriated by Congress and paid by the United States to the British Government. All claims accruing between 1861 and 1865 for injuries resulting in any way from the war were thereafter barred.[1]

The subject of the north-western boundary line, commonly known as the San Juan question, was one of very considerable importance, over which there had been long contention between the two Governments. The treaty of Independence in 1783 was followed by a series of disputes relating to the boundary between the United States and British America. It was inevitable that a tortuous line, drawn from the north-western angle of Nova Scotia to the Lake of the Woods and thence (as the treaty erroneously described it) due west to the Mississippi River, would give occasion for honest difference of opinion and very frequent opportunity for technical disputes. The face of the country was imperfectly known in 1783, and the highlands and water-courses by which the line was to be determined could not at that time be laid down with accuracy.

Beyond the Mississippi (then an unknown country) territorial disputes grew up between Spain and Great Britain. By the purchase of Louisiana in 1803, and by the subsequently acquired claim to the Oregon country, the sovereignty of the Republic was extended to the Pacific; Great Britain claiming to be co-terminous for the

[1] The Commission that made these labored and accurate awards was composed as follows: —

Right Hon. Russell Gurney, M.P., was the English Commissioner; Hon. James S. Fraser of Indiana was Commissioner for the United States; Count Louis Corti (Minister from Italy to the United States) was selected as third Commissioner. Hon. Robert S. Hale, a learned member of the bar of New York, and distinguished as a representative in Congress, was appointed agent of the United States; and Mr. Henry Howard, one of the British secretaries of Legation in Washington, and most favorably known to the people of the Capital, was agent of Her Majesty's Government.

entire distance. By the treaty of 1818 the forty-ninth parallel was agreed upon as the boundary from the line of the Lake of the Woods to the "Stony Mountains." The boundary from the Stony Mountains to the Pacific was left for subsequent settlement, and was finally adjusted (as already narrated in these pages) by the treaty of 1846. By that treaty the two governments agreed to continue the forty-ninth parallel as the boundary from the Stony Mountains "westward to the middle of the channel which separates the continent from Vancouver's Island, and thence southerly through the middle of said channel and of Fuca Straits to the Pacific Ocean."

The Commissioners appointed by the two Governments to run the line could not come to an agreement upon it, — the British Government claiming that it should be run through the Rosario Straits, and the Government of the United States that it should be run through the Canal de Haro. If the line should be run by the Rosario Straits the Island of San Juan belonged to Great Britain; if by the Canal de Haro the island belonged to the United States and formed part of Washington Territory. It was now agreed in the Treaty of Washington that the question should be left to the Emperor of Germany, who was "authorized to decide finally and without appeal which of these claims is most in accordance with the true interpretation of the treaty of June 15, 1846." The question thus submitted to his Imperial Majesty was purely a geographical one. Its decision either way could scarcely wound the susceptibilities of either party, however it might affect National interests. It also relieved the august arbitrator from the consideration of all the political prejudices and pretensions which had marked the long line of boundary discussions between the two countries, and the jealousies and misunderstandings which had proved so troublesome during the period of joint occupation of the Oregon country. The Emperor referred the detailed examination of the subject to a Commission of eminent experts both in law and science, and in accordance with their report decided in favor of the claim of the United States that the line should be run through the Canal de Haro.

The Government of the United States was fortunate in having its rights and interests represented before the Umpire by its Minister at Berlin, the Honorable George Bancroft. He was a member of President Polk's Cabinet during the period of the discussion and completion of the treaty of 1846, and was Minister at London when the San Juan dispute began. With his prolonged experience in his-

torical investigation, Mr. Bancroft had readily mastered every detail of the question, and was thus enabled to present it in the strongest and most favorable light. His success fitly crowned an official career of great usefulness and honor. His memorial to the Emperor of Germany, when he presented the case, was conceived in his happiest style. The opening words were felicitous and touching: "The treaty of which the interpretation is referred to Your Majesty's arbitrament was ratified more than a quarter of a century ago. Of the sixteen members of the British Cabinet which framed and presented it for the acceptance of the United States, Sir Robert Peel, Lord Aberdeen, and all the rest but one, are no more. The British Minister at Washington who signed it is dead. Of American statesmen concerned in it, the Minister at London, the President and Vice-President, the Secretary of State, and every one of the President's constitutional advisers, except one, have passed away. I alone remain, and after finishing the threescore years and ten that are the days of our years, am selected by my country to uphold its rights."

The decision of the Emperor was given on the 21st of October (1872). The British Government accepted it cordially and Lord Granville immediately instructed Sir Edward Thornton to propose that the two Governments should resume the work of the boundary commission, which was interrupted in 1859. In accordance with this proposition a chart was immediately prepared and approved by both parties to the treaty. It is unnecessary to point out the advantage to the United States of the decision. A glance at the map will show it in full detail. The conclusion of the negotiation enabled President Grant to say in his message to Congress, December, 1872, — ninety years after the close of the Revolutionary war, — "It leaves us for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on the American continent."

Note. — The question of the fisheries — the last for whose adjudication the Treaty of Washington provided — is referred to in a subsequent chapter.

CHAPTER XXI.

Opening Forty-second Congress. — Deposition of Charles Sumner from Chairmanship of Foreign Relations. — Exciting Debate. — Grave Injustice to Mr. Sumner. — Democratic Senators oppose the Act. — New Senators. — Matt W. Ransom. — Frank P. Blair, Jun. — Henry G. Davis. — Powell Clayton. — Organization of the House. — Mr. Blaine re-elected Speaker. — Democrats control more than One-Third of House. — Valuable Accessions to Membership. — Political Disabilities. — Removed from Individuals. — General Amnesty proposed. Civil-Rights Bill. — Course of Colored Members of the House. — Their Justice and Magnanimity.

THE opening of the Forty-second Congress, on the 4th of March, 1871, was disfigured by an act of grave injustice committed by the Senate of the United States. Charles Sumner was deposed from the chairmanship of the Committee on Foreign Relations, — a position he had held continuously since the Republican party gained control of the Senate. The cause of his displacement may be found in the angry contentions to which the scheme of annexing San Domingo gave rise. Mr. Sumner's opposition to that project was intense, and his words carried with them what was construed as a personal affront to the President of the United States, — though never so intended by the Massachusetts senator. When the committees were announced from the Republican caucus on the 10th of March, 1871, by Mr. Howe of Wisconsin, Mr. Cameron of Pennsylvania appeared as chairman of the Committee on Foreign Relations and Mr. Sumner was assigned to the chairmanship of a new committee, — Privileges and Elections, — created for the exigency.[1]

The removal of Mr. Sumner from his place had been determined in a caucus of Republican senators, and never was the power of the caucus more wrongfully applied. Many senators were compelled, from their sense of obedience to the decision of the majority, to commit an act against their conceptions of right, against what they believed to be justice to a political associate, against what they

[1] Objection was not interposed against Mr. Cameron personally. By seniority he was entitled to the place in the event of a vacancy. The controversy related solely to the refusal to give Mr. Sumner his old position.

believed to be sound public policy, against what they believed to be the interest of the Republican party. The caucus is a convenience in party organization to determine the course to be pursued in matters of expediency which do not involve questions of moral obligation or personal justice. Rightfully employed, the caucus is not only useful but necessary in the conduct and government of party interests. Wrongfully applied, it is a weakness, an offense, a stumbling-block in the way of party prosperity.

Mr. Sumner's deposition from the place he had so long honored was not accomplished, however, without protest and contest. Mr. Schurz made an inquiry of Mr. Howe as to the grounds upon which the senator was to be deposed; and the answer was that "the personal relations between the senator from Massachusetts and the President of the United States and the head of the State Department are such as preclude all social intercourse between them." "In brief," said Mr. Howe, "I may say that the information communicated to us was that the senator from Massachusetts refused to hold personal intercourse with the Secretary of State."

—Mr. Schurz, sitting near Mr. Sumner, immediately answered for that senator that "he had not refused to enter into any official relations, either with the President of the United States or with the Secretary of State; and that upon inquiry being made of him, Mr. Sumner had answered that he would receive Mr. Fish as an old friend, and would not only be willing but would be glad to transact such matters and to discuss such questions as might come up for consideration." And Mr. Sumner added: "*In his own house.*"

—Mr. Wilson, the colleague of Mr. Sumner, spoke with great earnestness against the wrong contemplated by the act: "Sir," said he, "we saw Stephen A. Douglas, on this floor, at the bidding of Mr. Buchanan's administration, in obedience to the demands of the slaveholding leaders and the all-conquering slave power, put down, disrated, from his committee. We saw seeds then sown that blossomed and bore bitter fruit at Charleston in 1860. Now we propose to try a similar experiment. I hope and trust in God that we shall not witness similar results. I love justice and fair play, and I think I know enough of the American people to know that ninety-nine hundredths of the men who elected this administration in 1868 will disapprove this act." Mr. Trumbull, Mr. Logan and Mr. Tipton were the only Republican senators who joined with Mr. Wilson in openly deprecating the decree of the party caucus.

— Mr. Edmunds, who was one of the active promoters of Mr. Sumner's deposition, declared that the question was "whether the Senate of the United States and the Republican party are quite ready to sacrifice their sense of duty to the whims of one single man, whether he comes from New England, or from Missouri, or from Illinois, or from anywhere else." He described the transaction as a business affair of changing a member from one committee to another for the convenience of the Senate, and said: "When I hear my friend from Massachusetts [Mr. Wilson] and the senator from Missouri [Mr. Schurz] making these displays about a mere matter of ordinary convenience, it reminds me of the nursery story of the children who thought the sky was going to fall, and it turned out in the end that it was only a rose-leaf that had fallen from a bush to the ground." — Senator Sherman defended the right of the caucus to make the decision. "Whenever that decision is made known," said he, "every one, however high may be his position, however great his services, is bound by the common courtesies which prevail in these political bodies to yield at once. . . . I feel it my duty to make this explanation of the vote I shall give. I think I am bound by the decision made after full debate upon this mere personal point, involving only the question whether the honorable senator from Massachusetts shall occupy the chairmanship of the Committee on Foreign Relations or the chairmanship of the Committee on Privileges and Elections."

Other incidents connected with the removal tended to give it the air of discourtesy to Mr. Sumner. One feature of it was especially marked and painful. Mr. Sumner's acquaintance in Europe, certainly in England, was larger than that of any other member of the Senate. His speech on the *Alabama* claims was the first utterance on the subject which had arrested the attention of England, and now, as if in rebuke of his patriotic position, the Queen's High Commissioners directly after their arrival in Washington were called to witness a public indignity toward Mr. Sumner. The action of the Senate was, in effect, notice to the whole world that Mr. Sumner was to have no further connection with a great international question to which he had given more attention than any other person connected with the Government.

Mr. Sumner declined the service to which he was assigned, and from that time forward to the day of his death he had no rank as chairman, no place upon a committee of the Senate, no committee-room for his use, no clerk assigned to him for the needed discharge

of his public duties. When Mr. Sumner entered the Senate twenty years before, the pro-slavery leaders who then controlled it had determined at one time in their caucus to exclude him from all committee service on account of his offensive opinions in regard to slavery, but upon sober second thought they concluded that a persecution of that kind would add to Mr. Sumner's strength rather than detract from it. He was therefore given the ordinary assignments of a new member by the Southern men in control and was thence regularly advanced until he became a member of the Committee on Foreign Relations, under the chairmanship of James M. Mason, with Douglas and Slidell as fellow-members.

For his fidelity to principle and his boldness in asserting the truth at an earlier day Mr. Sumner was struck down in the Senate chamber by a weapon in the hands of a political foe. It was impossible to anticipate that fifteen years later he would be even more cruelly struck down in the Senate by the members of the party he had done so much to establish. The cruelty was greater in the latter case, as anguish of spirit is greater than suffering of body. In both instances Mr. Sumner's bearing was distinguished by dignity and magnanimity. He gave utterance to no complaints, and silently submitted to the unjustifiable wrong of which he was a victim. That nothing might be lacking in the extraordinary character of the final scene of his deposition, the Democratic senators recorded themselves against the consummation of the injustice. They had no co-operation from the Republicans. The caucus dictation was so strong that discontented Republicans merely refrained from voting.

The personal changes in the Senate, under the new elections, were less numerous than usual. General Logan took the place of Richard Yates from Illinois, having been promoted from the House, where his service since the war had been efficient and distinguished. —Matt W. Ransom, a Confederate soldier who had held high command in General Lee's army, took the place of Joseph C. Abbott of North Carolina. Mr. Ransom had been well educated at the University at Chapel Hill, was a lawyer by profession, had been Attorney-General of his State, and had served several years in the Legislature. Severe service in the field during the four years of the war had somewhat impaired his health, but his personal bearing

and the general moderation of his views rapidly won for him many friends in both political parties.

— General Frank P. Blair, jun., entered as senator from Missouri a few weeks preceding the 4th of March, filling the place made vacant by the resignation of Senator Drake, who was appointed to the Bench of the Court of Claims. General Blair's political career had been somewhat checkered and changeful. Originally a Democrat of the Van Buren type, he had helped to organize the Republican party after the repeal of the Missouri Compromise. He remained a Republican until the defection of Andrew Johnson, when he joined the Democrats, and became so vituperatively hostile that the Senate in 1866 successively rejected his nomination for Collector of Internal Revenue in the St. Louis district, and for Minister to Austria. He was a good soldier, rose to the rank of Major-General, and secured the commendation of General Grant, which was far more than a *brevet* from the War Department. His defeat for the Vice-Presidency had, if possible, increased his antagonism to the Republican party, and he now came to the Senate as much embittered against his late associates as he had been against the Democrats ten years before. He was withal a generous-minded man of strong parts, but the career for which nature fitted him was irreparably injured by the unsteadiness of his political course.

— Henry G. Davis, a native of Maryland, entered as the first Democratic senator from West Virginia. His personal popularity was a large factor in the contest against the Republicans of his State, and he was naturally rewarded by his party as its most influential leader. Mr. Davis had honorably wrought his own way to high station, and had been all his life in active affairs. As a farmer, a railroad man, a lumberman, an operator in coal, a banker, he had been uniformly successful. He came to the Senate with that kind of practical knowledge which schooled him to care and usefulness as a legislator. He steadily grew in the esteem and confidence of both sides of the Senate, and when his party attained the majority he was entrusted with the responsible duty of the chairmanship of the Committee on Appropriations. No more painstaking or trustworthy man ever held the place. While firmly adhering to his party, he was at all times courteous, and in the business of the Senate or in social intercourse never obtruded partisan views. He was re-elected without effort, but early gave notice that at the end of his second term he would retire from active political life.

— Powell Clayton, who succeeded Alexander McDonald as senator from Arkansas, was a native of Delaware County, Pennsylvania, a member of the well-known Clayton family long settled in Pennsylvania, Delaware and Maryland. He was educated at a military school in Pennsylvania and trained as a civil engineer. He was engaged in that profession in Kansas in 1860–61, and upon the outbreak of the war immediately enlisted in the Union Army. He was rapidly promoted to the rank of Brigadier-General, and made an admirable record for efficiency and bravery. When the war closed he was commanding a district in Arkansas. He remained there as a citizen of the State and was active and influential during the period of reconstruction. In 1868 he was elected Governor, and at the close of his term was chosen United-States senator. He is a man of character, — quiet and undemonstrative in manner, but with extraordinary qualities of firmness and endurance.

The House of Representatives was organized without delay or obstruction. Mr. Blaine was re-elected Speaker, — receiving 126 votes to 92 cast for George W. Morgan of Ohio, who had been nominated as the Democratic candidate. The oath of office was administered to the Speaker by Mr. Dawes of Massachusetts, who by Mr. Washburne's retirement had become the member of longest continuous service. The vote of the opposing candidates showed that in the elections for this Congress the Democrats had made an obvious gain in the country at large. The Republicans for the first time since 1861 failed to command two-thirds of the House, — a circumstance of much less importance when Congress is in harmony with the Executive than when, in conflict with him, the necessity arises for passing bills over his veto. But while the majority was not large, the House received valuable accessions among the new members.

— Joseph R. Hawley, who now entered the House, was born in North Carolina of Connecticut parents. He was educated in the North and began the practice of law at Hartford in 1850. Gifted with a ready pen, he soon adopted the editorial profession, and was conducting a Republican journal in 1861 when the war broke out. He enlisted the day after Sumter was fired upon, and remained in the service until the rebel armies surrendered, when he returned to his home and became editor of the *Hartford Courant*, with which his name has

been conspicuously identified for many years. His military record was faultless, as might well be inferred from the fact that he began as a private and ended with the *brevet* of Major-General. He at once entered upon a political career, which in a State so closely divided as Connecticut involves labor and persistence. His two contests for Governor in 1866 and 1867, with James E. English as his opponent, enlisted wide-spread interest. The men were both popular: Hawley's special strength was the record of his service in the field; English had maintained an honorable reputation as a War Democrat at home, and had voted in Congress for the Thirteenth Amendment to the Constitution. Both could therefore appeal to the Union sentiment then so pronounced among the people. In the election of 1866 Hawley was victorious by a few hundred; in the election of 1867 English was victorious by a few hundred, — in a total poll each year of about 90,000 votes. In Congress General Hawley at once took active part in the proceedings and debates. A forcible speaker, with quick perception and marked industry, he had all the requisites for success in a Parliamentary body.

— Ellis H. Roberts took his seat as a Republican representative from the Utica district, New York, of which he is a native. Immediately after his graduation at Yale he became the editor of the *Utica Morning Herald*, — a position he has ever since held. The strength of Mr. Roberts, his intellectual resources, the variety and extent of his knowledge, the elegance and purity of his style, may be found in his editorial columns. No test of a man's power is more severe than the demand made by a daily newspaper. Without the opportunity for elaborate investigation of each subject as it arises, he must have a mind well stored with knowledge; without time for leisurely composition, he must possess the power of writing off-hand with force and precision. Tried by these requirements, Mr. Roberts has for a third of a century exhibited a high order of ability, with a constantly enlarging sphere of knowledge, a constantly growing power of logical statement. He entered Congress, therefore, with great advantages and resources. So well recognized were these, that the general opinion of his colleagues indicated him for the Ways and Means Committee, a position rarely assigned to any but an old member. Mr. Roberts took active and influential part in all the financial legislation, and soon acquired a strong hold upon the House. He always spoke clearly and forcibly, possessing at the same time the art and tact of speaking briefly. He was re-elected in 1872, but suffered

defeat in the general Republican reverse of 1874. If he had been sustained by the force of a strong Republican majority, he could not have failed to increase the distinction he gained in his brief service, and to become one of the recognized leaders of the House.

— William P. Frye took his seat from Maine. Though but thirty-nine years of age, he had for a considerable period been conspicuous in his State. He graduated at Bowdoin College at nineteen years of age (in 1850), and soon became professionally and politically active. From the first organization of the Republican party he supported its principles and its candidates with well-directed zeal. He served several terms in the Legislature and was one of the foremost figures in the House of Representatives in 1862, recognized as one of the ablest that ever assembled in Maine. He acquired a high reputation as an advocate and was thrice elected Attorney-General of the State. At the close of his service in that important office he was chosen to represent his district in Congress. His rank as a debater was soon established, and he exhibited a degree of care and industry in committee work not often found among representatives who so readily command the attention of the House.

— Charles Foster came from the north-western section of Ohio in which his father had been one of the pioneers and the founder of the town of Fostoria. He attracted more than the ordinary attention given to new members, from the fact that he had been able to carry a Democratic district, and, for a young man, to exert a large influence upon public opinion. He was distinguished by strong common sense, by a popular manner, by personal generosity, and by a quick instinct as to the expediency of political measures and the strength of political parties. These qualities at once gave him a position of consequence in the House superior to that held by many of the older members of established reputation. His subsequent career vindicated his early promise, and enabled him to lead the Republican party of Ohio to victory in more than one canvass which at the outset was surrounded with doubt and danger.

— Two of the most conspicuous and successful business men from the North-West appeared in this House. Charles B. Farwell, one of the leading merchants of Chicago, entered as a Republican; and Alexander Mitchell, prominent in railway and banking circles, came as a Democrat from Milwaukee. Mr. Farwell was a native of New York, and went to the West when a boy, with a fortune which consisted of a good education and habits of industry. When elected to Congress,

he had long been regarded as one of the ablest and most successful merchants of Chicago. He was chosen over John Wentworth by a a majority of more than five thousand. — Alexander Mitchell was a Scotchman by birth, with all the qualities of his race, — acute, industrious, wary and upright. He had taken a leading position in the financial affairs of the North-West, and maintained it with ability, being rated for years as a man of great wealth honestly acquired. — Jeremiah M. Wilson of Indiana entered the House with the reputation of being a strong lawyer — a reputation established by his practice at the bar and his service on the bench. — H. Boardman Smith of the Elmira district, New York, was afterwards well known on the Supreme Bench of his State. — Jeremiah Rusk of Wisconsin came with a good war record, and subsequently became Governor of his State. — Mark H. Dunnell, from Minnesota, was a native of Maine, had been a member of each branch of the Maine Legislature and for several years was Superintendent of Public Instruction. — John T. Averill was also a native of Maine. He had won the rank of Brigadier-General in the war, and had afterwards become extensively engaged in manufacturing in Minnesota. — James Monroe from the Oberlin district, Ohio, was a man of cultivation and of high character. He had served for several years in the Legislature of his State, and had been Consul-General at Rio Janeiro under Mr. Lincoln's Administration. — Isaac C. Parker, a Republican from Missouri, made so good a reputation in the house that he was appointed to the United States District bench. — Walter L. Sessions, an active politician, entered from the Chautauqua district of New York. — Alfred C. Harmer, well known in Philadelphia, entered from one of the districts of that city. — John Hancock, a man of ability and character, entered from Texas. — Gerry W. Hazelton, with a fine legal reputation, came from Wisconsin. — Henry Waldron, who had served some years before, returned from Michigan.

The political disabilities imposed by the third section of the Fourteenth Amendment to the Constitution affected large classes in the Southern States. When the Amendment was under discussion in Congress, the total number affected was estimated at fourteen thousand, but subsequently it was ascertained to be much greater. It included not only those who had been members of Congress, or held any

office under the United States, but all those who had been Executive and Judicial officers or members of the Legislatures in the revolted States. The Proclamation, making its ratification known to the people, was issued by Secretary Seward on the twentieth day of July, 1868; but in advance of this formal announcement Congress (then in session) began to relieve the persons affected. The first act was for the benefit of Roderick R. Butler of Tennessee, representative-elect to the Fortieth Congress. It was approved on the 19th of June (1868), and permission was given him to take a modified oath. On the 25th of June amnesty was extended to about one thousand persons, and during the remainder of the Congress some five hundred more were relieved from political disability. In the Forty-first Congress the liberality of the majority did not grow less; and during the two years thirty-three hundred participators in the rebellion — among them some of the most prominent and influential — were restored to the full privileges of citizenship; the rule being, in fact, that every one who asked for it, either through himself or his friends, was freely granted remission of penalty.

At the opening of the Forty-second Congress it was evident that the practice of removing the disabilities of individuals would not find favor as in the two preceding Congresses. There was a disposition rather to classify and reserve for further consideration the really offending men and give general amnesty to all others. To this end, Mr. Hale of Maine, on the 10th of April, 1871, moved to suspend the rules in order that a bill might be passed removing legal and political disabilities from all persons who had participated in the rebellion, except the following classes: *first*, members of the Congress of the United States who withdrew therefrom and aided the rebellion; *second*, officers of the Army and Navy, who, being above the age of twenty-one years, left the service and aided the rebellion; *third*, members of State Conventions who voted for pretended ordinances of secession. It was further provided that before receiving the benefit of this Act each person should take an oath of loyalty before the Clerk of a United States Court or before a United States Commissioner. Debate was not allowed and the bill was passed by more than the requisite two-thirds — *ayes* 134, *noes* 46.

When the Bill came before the Senate, Mr. Robertson of South Carolina attempted to put it on its passage, but objection being made it was referred under the rule, and thereby postponed for the session. With this result the pressure for individual relief of the dis-

abled persons became so great, that at the next session of Congress a bill was prepared and passed in the House, containing some seventeen thousand names, to which the Senate proposed to add some three thousand. But the effect of this was still further to impress upon Congress the necessity of some generalization of the process of relief. The impossibility of examining into the merits of individuals by tens of thousands, and of establishing the quality and degree of their offenses, was so obvious that representatives on both sides of the House demanded an Act of general amnesty, excepting therefrom only the few classes whose names would lead to discussion and possibly to the defeat of the beneficent measure.

General Butler accordingly reported from the Judiciary Committee, on the 13th of May, 1872, a bill removing the disabilities "from all persons whomsoever, except senators and representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the Judicial, Military and Naval service of the United States, heads of Departments, and foreign Ministers of the United States." This Act of amnesty, which left so few under disabilities (not exceeding seven hundred and fifty in all), would have been completed long before, but for the unwillingness of the Democratic party to combine with it a measure, originated and earnestly advocated by Mr. Sumner, to broaden the civil rights of the colored man, to abolish discriminations against him as enforced by hotels, railroad companies, places of public amusement, and in short, in every capacity where he was rendered unequal in privilege to the white man. But the Democratic leaders were not willing to accept amnesty for their political friends in the South, if at the same time they must take with it the liberation of the colored man from odious personal discriminations.

The Democrats were now to witness an exhibition of magnanimity in the colored representatives which had not been shown towards them. When the Amnesty Bill came before the House for consideration, Mr. Rainey of South Carolina, speaking for the colored race whom he represented, said: "It is not the disposition of my constituents that these disabilities should longer be retained. We are desirous of being magnanimous: it may be that we are so to a fault. Nevertheless we have open and frank hearts towards those who were our former oppressors and taskmasters. We foster no enmity now, and we desire to foster none, for their acts in the past to us or to the Government we love so well. But while we are willing to accord them their enfranchisement and here to-day give our votes

that they may be amnestied, while we declare our hearts open and free from any vindictive feelings towards them, we would say to those gentlemen on the other side that there is another class of citizens in the country, who have certain rights and immunities which they would like you, sirs, to remember and respect. . . . We invoke you, gentlemen, to show the same kindly feeling towards us, a race long oppressed, and in demonstration of this humane and just feeling, I implore you, give support to the Civil-rights Bill, which we have been asking at your hands, lo! these many days."

There was no disposition, as General Butler explained, to unite the Civil-rights Bill with the Amnesty Bill, because the former could be passed by a majority, while the latter required two-thirds. With General Butler and the colored representatives speaking for the most radical sentiment of the House, and the Democrats eager for the bill if it could be disentangled from all connection with other measures, complete unanimity was reached, and the bill was enacted without even a division being demanded.

When the measure reached the Senate it was governed by an understanding that without being united in the same Act it should keep even pace with the Civil-rights Bill, and that while the Southern white man was to be relieved of his political disabilities the Southern black man should be endowed with his personal rights. On the 21st of May, therefore, the Civil-rights Bill was taken up for consideration in advance of the Amnesty Bill. In the temporary absence of Mr. Sumner from the Senate chamber, the equality recognized as to public schools and jury service was struck out, and in that form the bill was passed. The Amnesty Bill was immediately taken up; while it was pending Mr. Sumner returned and warmly denounced the fundamental change that had been made in the Civil-rights Bill. In consequence of what he considered a breach of faith on the question, he voted against the passage of the Amnesty Bill, Senator Nye of Nevada being the only one who united with him in the negative vote. Mr. Sumner's denunciations of the emasculated Civil-rights Bill were extremely severe; but he was pertinently reminded by Senator Anthony of Rhode Island that the bill was all that could be obtained in the Senate at this session, and perhaps more than could be enacted into law. The senator from Rhode Island had correctly estimated the probable action of the House, for although on three different occasions attempts were made to pass the bill under a suspension of the rules, the Democratic members,

who numbered more than one-third of the House, voted solidly in the negative, and thus defeated the measure.

The colored representatives, who had been slaves, were willing to release their late masters from every form of disability, but the immediate friends of the masters were unwilling to extend the civil rights of the colored man. So far as chivalry, magnanimity, charity, Christian kindness, were involved, the colored men appeared at an advantage. Perhaps it is not surprising that lingering prejudice and the sudden change of situation should have restrained Southern white men from granting these privileges, but it must always be mentioned to the credit of the colored man that he gave his vote for amnesty to his former master when his demand for delay would have obstructed the passage of the measure.

In the stubborn opposition maintained by the Democratic party to the admission of colored men to the rights of citizenship, the closing argument of violent harangues was usually in the form of a question, "Do you want to see them in Congress?" — to which the natural and logical answer was that the right of the colored man to sit in Congress does not depend in the least upon the desire or the prejudice of other States and other districts. It is solely a matter within the judgment of the State or district which in a fair vote and honest election may choose to send him. The revolution in favor of human rights, promoted and directed by the Republican party, swept onward: the colored man, freed from slavery, attained the right of suffrage, and in due season was sent to Congress. Did harm result from it? Nay, was it not the needed demonstration of the freedom and justice of a republican government? If it be viewed simply as an experiment, it was triumphantly successful. The colored men who took seats in both Senate and House did not appear ignorant or helpless. They were as a rule studious, earnest, ambitious men, whose public conduct — as illustrated by Mr. Revels and Mr. Bruce in the Senate, and by Mr. Rapier, Mr. Lynch and Mr. Rainey in the House — would be honorable to any race. Coals of fire were heaped on the heads of all their enemies when the colored men in Congress heartily joined in removing the disabilities of those who had before been their oppressors, and who, with deep regret be it said, have continued to treat them with injustice and ignominy.

CHAPTER XXII.

Presidential Election of 1872. — Liberal Republican Movement. — Its Origin. — Division in Missouri. — Gratz Brown, Blair, Schurz. — Contest in New York. — Greeley, Fenton, Conkling. — Conkling's Triumph. — Liberal Republican Convention. — Meets at Cincinnati. — Nomination of Mr. Greeley. — Adjustment of Tariff Issues. — Chagrin of Free-traders and Democrats. — Mr. Greeley's Letter of Acceptance. — National Republican Convention. — Meets in Philadelphia. — Renominates General Grant. — Henry Wilson nominated for Vice-President. — Democratic National Convention. — Meets in Baltimore. — Endorses Greeley and Brown. — Accepts the Cincinnati Platform. — Mr. Greeley's Letter of Acceptance. — Contest between Grant and Greeley. — Character of Mr. Greeley. — His Strength and his Weakness. — North Carolina Election. — Claimed by Both Sides. — Favorable to Republicans. — September Elections. — Republican Gains. — Nomination of O'Connor and Adams. — Mr. Greeley's Western Tour. — October Elections. — Strong Nominations for State Officers. — Enormous Majorities for General Grant. — His Overwhelming Election. — Death of Mr. Greeley.

THE Presidential canvass of 1872 was anomalous in its character. Never before or since has a great party adopted as its candidate a conspicuous public man, who was not merely outside its own ranks, but who, in the thick of every political battle for a third of a century, had been one of its most relentless and implacable foes. In the shifting scenes of our varied partisan contests, the demands of supposed expediency had often produced curious results. Sometimes the natural leaders of parties had been set aside; men without experience and without attainments had been brought forward; the settled currents of years had been suddenly changed by the eddy and whirl of the moment; but never before had any eccentricity of political caprice gone so far as to suggest the bitterest antagonist of a party for its anointed chief. It was the irony of logic, and yet it came to pass by the progress of events which were irresistibly logical.

The course of affairs had been threatening a formidable division in the Republican party. It was in some degree a difference of pol-

icy, but more largely a clashing of personal interests and ambitions. The Liberal Republican movement, as the effort of dissatisfied partisans was termed, had its nominal origin, though not its exciting cause, in the State of Missouri in 1870. Missouri had presented the complications and conflicts which embarrassed all the Border States. The State had not seceded, but tens of thousands of her people had joined the rebel ranks. To prevent them from sharing in the government while fighting to overthrow it, these allies of the Rebellion had by an amendment to the State constitution been disqualified from exercising the rights of citizenship. The demand was now made that these disabilities imposed during the war should be removed. The Republicans, holding control of the Legislature, divided upon this question. The minority, calling themselves Liberals, under the leadership of Benjamin Gratz Brown and Carl Schurz, combined with the Democrats, and passed amendments which removed the disqualifications. The same combination, as a part of the same movement, elected Brown governor. An alliance, offensive and defensive, between Brown and General Frank Blair, as the chiefs of the Liberal and Democratic wings, cemented the coalition, and gave Missouri over to Democratic control.

The question which divided Missouri was not presented in the same form elsewhere. The disabilities against which the Liberals protested were local, and were ordained in the State constitution. They were wholly under State regulations. No such issue presented itself in the National arena. The laws of the nation imposed no disabilities upon any class of voters, and even the disqualification for office, which rested upon those who had deserted high public trust to join in the Rebellion, could by a vote of Congress be removed. Nevertheless, the creed of the Missouri Liberals, though little applicable outside their own borders, found an echo far beyond. Indeed, it was itself the echo of earlier demands. Mr. Greeley characterized the Republican allies of the Democrats in Missouri as bolters, but he had long before sounded his trumpet cry of "universal amnesty and impartial suffrage." With a political philosophy which is full of interest and suggestion in view of his own impending experiment, he had in 1868 advised the Democrats, if they did not nominate Mr. Pendleton on an extreme Democratic platform, to go to the other extreme and take Chief Justice Chase on a platform of amnesty and suffrage. He did not think they could succeed by any such manœuvre; but he believed it would commit

Democracy to a new departure, and be a long stride in the direction of loyalty and good government. If other leaders did not share his faith, not a few of them accepted his creed. Mr. Greeley's zealous and powerful advocacy had impressed it upon many minds as the true corner-stone of Reconstruction.

But this was obviously not a sufficient cause for division in the Republican ranks. Whatever special significance it might have possessed at an earlier period, the course of events had deprived it of its distinctive force. It was now a matter of sentiment rather than of practical efficacy. The readiness of Congress in responding to every application for the removal of disabilities was itself a generous amnesty. The Fifteenth Amendment had irrevocably established the principle of equal suffrage. With this practical advance, the demand of Liberalism did not leave room for any serious difference. More potent causes were at work. The administration of President Grant in some of its public measures had furnished pretexts, and in some of its political dispensations had supplied reasons, for discontent in various Republican quarters. The pretexts were loudly emphasized: the reasons, more powerful in their effect, were less plainly and directly proclaimed. The former related to questions of public policy and to differences of opinion which would hardly have been irreconcilable: the latter sprang from personal disappointments and involved the rivalry of personal interests, which throughout history have been the pregnant source of the bitterest partisan contention.

The Liberals vigorously denounced what they characterized as the military rule of General Grant. They criticised and condemned the personal phases of the Administration: — they repeated the Democratic charge that it was grasping undue power; they decried the channels through which its influence was felt in the South; they complained that its patronage was appropriated by leaders inimical to themselves; they saw a strong organization growing up, with its centre in the Senate and combining the great States, from which they were somewhat offensively excluded. The deposition of Senator Sumner from the chairmanship of the Committee on Foreign Relations had estranged him and alienated his friends.

In the State of New York the personal currents were especially marked. Governor Fenton had, during his two terms, from 1865 to 1869, acquired the political leadership, and held it until Mr. Conkling's rising power had created a strong rivalry. The struggle of

these antagonistic interests appeared in the State Convention of 1870, when Mr. Greeley was defeated for governor, and Stewart L. Woodford was nominated. In 1871 it appeared again in still more decisive form. Through the contention of these opposing wings, two general committees and two organizations of the party had been created in the city of New York, each claiming the seal of regularity, and each sending a full delegation to the State Convention. One represented the friends of Mr. Greeley and Mr. Fenton: the other represented the friends of Mr. Conkling. The importance and significance of the contest were fully recognized. It was a decisive trial of strength between two divisions. Mr. Fenton and Mr. Conkling, colleagues in the Senate, were both present upon the scene of battle. Mr. Fenton had skill and experience in political management: Mr. Conkling was bold and aggressive in leadership. Mr. Fenton guided his partisans from the council chamber through ready lieutenants: Mr. Conkling was upon the floor of the Convention and took command in person. After several persuasive appeals, the Convention was about to compromise the difficulty and admit both delegations with an equal voice and vote, when Mr. Conkling took the floor and by a powerful speech succeeded in changing its purpose. Upon his resolute call the Fenton-Greeley delegation was excluded, and his own friends were left in full control of the Convention and of the party organization.

Under ordinary circumstances such a schism would have seemed altogether unfortunate. At this juncture it looked peculiarly bold and hazardous, for the "Tweed Ring" had complete control of New York; and apparently the only hope, and that a feeble one, of rescuing the city and State from its despotic and unscrupulous thraldom was in a united Republican party. But the "Tweed Ring," in the very height of its arrogant and defiant power, was on the eve of utter overthrow and annihilation. The opportune exposure and conclusive proof of its colossal frauds and robberies came just then. The effect of the startling revelation was such that the most absolute political oligarchy ever organized in this country crumbled to dust in a moment, and the Republicans carried New York for the first time since 1866.

The unexpected success of 1871 crowning the triumph in the State Convention fully confirmed the power of Mr. Conkling as the leader of the party in New York. Mr. Greeley and his followers, already opposed to the National Administration, now gave way

to a still more unrestrained hostility. All the antipathy which they felt for their antagonists in the State was transferred to the President. They ascribed their defeat to the free exercise of the Federal power; and the indictment, which they had long been framing, was made more severe from their renewed personal disappointment. In this temper and position they were not alone. Republicans of prominence in other States, either had similar grievances, or shared the same view of the tendency at Washington. The discontent with the National Administration was stimulated and increased by powerful journals like the *New-York Tribune*, the *Chicago Tribune*, and the *Cincinnati Commercial*.

The drift of events placed the protesting Republicans in an embarrassing situation. The renomination of General Grant was seen to be inevitable; and they were left to determine whether they would remain in the party and acquiesce in what they were unable to prevent, or whether they would try from the outside the opposition which was impotent from the inside. They were thus driven by events to extend into the National field the political experiment which had been successfully undertaken in the State of Missouri. The movement assumed apparently large proportions, and for a time wore a threatening look. On the surface it was more wide-spread than the Buffalo Free-soil revolt which defeated the Democratic party in 1848; but its development was different, and the conditions were wholly dissimilar. Now, as then, there was a curious blending of principle and of personal resentment, but the issue presented was less enkindling than the sentiment of resistance to the aggressions of slavery. The element of opposition in the impending schism was, therefore, not as strong at the decisive point as in the earlier outbreak.

The National Convention of the Liberal Republicans, which was the first public step in the fusion with the Democracy, was held at Cincinnati on the first day of May (1872), under a call emanating from the Liberal State Convention of Missouri. There were no organizations to send delegates, and it was necessarily called as a mass convention. The attendance was large, especially from the States immediately adjoining the place of meeting and from New York. It was clear that with an aggregate so large and numbers so disproportionate from the different States the disorganized and

irresponsible mass must be resolved into some sort of representative convention, and those present from the several States were left to choose delegates in their own way. The New-York delegation included Judge Henry R. Selden, General John Cochrane, Theodore Tilton, William Dorsheimer (who two years later was elected Lieutenant-Governor on the Democratic ticket with Samuel J. Tilden), and Waldo Hutchins, who has since been a Democratic member of Congress. — David Dudley Field, though participating in the preliminary consultations, was excluded from the delegation through the influence of Mr. Greeley's friends, because of his free-trade attitude.

— Other leading spirits were Colonel McClure and John Hickman of Pennsylvania ; Stanley Matthews, George Hoadly, and Judge R. P. Spalding, of Ohio; Carl Schurz, William M. Grosvenor, and Joseph Pulitzer, of Missouri; John Wentworth, Leonard Swett, Lieutenant-Governor Koerner, and Horace White, of Illinois; Cassius M. Clay of Kentucky; George W. Julian of Indiana; Frank W. Bird and Edward Atkinson of Massachusetts; David A. Wells of Connecticut; and John D. Defrees of the District of Columbia. Men less conspicuous than these were present in large numbers from many States. — The proportion of free-traders outside of New York was a marked feature of the assemblage, and had an important bearing on some of the subsequent proceedings. From New York, also, a number were present, and they were of course opposed to Mr. Greeley; but Mr. Greeley's friends succeeded in keeping them off the list of delegates.

Stanley Matthews was made temporary chairman. In his brief speech he said that those who had assembled in this gathering were still Republicans, and he urged in justification of their independent action that the forces in control of the party machinery had perverted it to personal and unwarrantable ends. "As the war has ended," he continued, "so ought military rule and military principles." This imputation of a military character to the National Administration was the key-note of all the expressions. Mr. Carl Schurz was the leading spirit of the Convention, and amplified the same thought in his more elaborate address as permanent President.

The platform was the object of much labor, as well as the theme of much pride, on the part of its authors. It was designed to be a succinct statement and a complete justification of the grounds on which the movement rested. It started from the Republican posi-

tion and aimed to be Republican in tone and principle, only marking out the path on which Liberal thought diverged from what were characterized as the ruling Republican tendencies. It recognized the equality of all men before the law, and the duty of equal and exact justice; it pledged fidelity to the Union, to emancipation, to enfranchisement, and opposition to any re-opening of the questions settled by the new Amendments to the Constitution; it demanded the immediate and absolute removal of all disabilities imposed on account of the Rebellion; it declared that local self-government with impartial suffrage would guard the rights of all citizens more securely than any centralized power, and insisted upon the supremacy of the civil over the military authorities; it laid great stress upon the abuse of the civil service and upon the necessity of reform, and declared that no President ought to be a candidate for re-election; it denounced repudiation, opposed further land-grants, and demanded a speedy return to specie payments.

On these questions there was no division in the Liberal ranks. But there was another issue, which caused a sharper controversy and came to a lame and impotent conclusion. The large number of free-traders who participated in the Convention has been noted. Indeed, its call emanated from free-traders, and outside of New York free-traders constituted its controlling forces. The Missouri group was unanimously and especially devoted to free trade; and the Illinois, Ohio, and New-England influences in the Convention were for the most part in full sympathy with it. The New-York element, which centred in Mr. Greeley, shared his view of protection. Whatever other reasons he might have had for joining the movement, his lifelong and conspicuous championship of Protection would have made it impossible for him to sustain any demonstration against that great doctrine. Even before his nomination was anticipated he was the most important factor in the revolt against the Administration, and any division (of a division) which sacrificed or endangered the chief pillar of strength seemed peculiarly fatuous and perilous.

Nevertheless the free-traders made a persistent effort to enforce their views, and a strenuous struggle ensued. The policy which Mr. Greeley had recommended finally prevailed. He knew there was a radical difference among the Liberals on this question. He could not surrender his position, and the free-traders would not surrender their position. He therefore proposed that they should acknowledge the differences and waive the question. This suggestion was

accepted; and a compromise was effected by declaring that the differences were irreconcilable, remitting the subject to the people in their Congressional districts and to the decision of Congress free from Executive interference or dictation. Thus the only agreement reached was an agreement to disagree.

With this difficulty adjusted, the Convention was ready to proceed to the choice of a candidate. The struggle had been actively in progress for several days, and had developed sharp antagonisms. In its earlier stages it bore the appearance of a contest between Judge David Davis and Charles Francis Adams. Judge Davis had long been credited with aspirations and with some elements of political strength. He had been Lincoln's friend; he was rich, honest, and popular. He had watched politics from the Supreme Bench with judicial equipoise and partisan instincts, and by many discerning men was regarded as a highly eligible candidate. Mr. Adams was strongly pressed on different grounds. Unlike Judge Davis, he was austere, cold, even repellent in his manner; but it was urged that the traditions of his name and his distinguished diplomatic services would appeal to the judgment of the people and take from the Republican party some of its best elements. He was earnestly supported by many of the strongest Liberals, who felt that their only hope of success lay in the selection of a candidate who was experienced in public life, and who could inspire public confidence.

The supporters of Mr. Adams displayed violent hostility to Judge Davis. They charged his friends with bringing a great body of hirelings from Illinois, and with attempting to "pack" the Convention, — with resorting, in short, to the alleged practices of the Republicans who were still opposing the Democratic party. They announced that even if Judge Davis should be nominated they would not sustain him. This influential and unyielding opposition was fatal to the Illinois candidate. As the Davis canvass declined the Greeley sentiment increased, and it soon became evident that the contest would lie between Adams and Greeley. On the first ballot the vote stood, Adams 205, Greeley 147, Trumbull 110, Gratz Brown 95, Davis 92½, Curtin 62, Chase 2½. The minor candidates were withdrawn as the voting proceeded, and on the sixth ballot Greeley had 332, Adams 324, Chief Justice Chase 32, Trumbull 19. There was at once a rapid change to Greeley, and the conclusion was not long delayed. He was declared by formal vote to be the nominee of the Convention. For the Vice-Presidency, Gratz Brown, Senator

Trumbull, George W. Julian, and Gilbert C. Walker were placed in nomination. Mr. Brown was successful on the second ballot.

The result of the balloting created surprise and disappointment. Mr. Greeley's name had not been seriously discussed until the members assembled in Cincinnati, and no scheme of the Liberal managers had contemplated his nomination. It was evident from the first that with his striking individuality, his positive views, and his combative career, he had both strength and weakness as a candidate; but whatever his merits or demerits, his selection was out of the reckoning of those who had formed the Liberal organization. It was certainly a singular and unexpected result, that a Convention which owed its formal call to a body of active and aggressive free-traders, should commit its standard to the foremost champion of Protection in the country.

But there was another and still more important element of incongruity — another reason why the nomination was foreign to the whole theory of the political experiment of 1872. The indispensable condition attaching to the Liberal plan was its endorsement by the Democracy. This demanded the selection of a candidate who, while representing the Liberal Republican policy, would be acceptable to the Democratic allies. No man seemed so little likely to fulfil this requirement as Mr. Greeley. From the hour when he first entered political life and acquired prominence in the wild Whig canvass for Harrison and Tyler in 1840, he had waged incessant and unsparing war against the Democrats. He had assailed them with all the weapons in his well-filled armory of denunciation; and not only had every conspicuous Democratic leader received his stalwart blows, but the whole party had repeatedly felt the force of his fearless and masterful onset.

There was naturally great curiosity to see how his nomination would be received: first, by the projectors of the Liberal revolt, and second, by the Democracy. Most of the Liberals promptly acquiesced, though a few protested. Especially among the Ohio representatives there was great discontent. Stanley Matthews humorously and regretfully admitted that he was "not a success at politics." Judge Hoadly published a card calling the Cincinnati result "the alliance of *Tammany* and Blair," but still hoping for some way of escape from Grant. Most of the German Liberals rejected the ticket, doubtless finding other objections emphasized by their dissent from Mr. Greeley's well-known attitude on sumptuary legislation. The

free-trade Liberals of New York held a meeting of protest, presided over by William Cullen Bryant, and addressed by David A. Wells, Edward Atkinson, and others who had participated in the Cincinnati Convention. But this opposition possessed little importance. The positive political force which had entered into the Liberal movement stood fast, and the really important question related to the temper and action of the Democrats.

Their first feeling was one of chagrin and resentment. They had encouraged the Republican revolt, with sanguine hope of a result which they could cordially accept, and they were deeply mortified by an issue whose embarrassment for themselves could not be concealed. They had counted on the nomination of Mr. Adams, Judge Davis, Senator Trumbull, or some moderate Republican of that type, whom they could adopt without repugnance. The unexpected selection of their life-long antagonist confounded their plans and put them to open shame. At the outset, the majority of the Democratic journals of the North either deplored and condemned the result or adopted a non-committal tone. Some of them, like the *New-York World*, emphatically declared that the Democracy could not ratify a choice which would involve a stultification so humiliating and so complete. A few shrewder journals, of which the *Cincinnati Enquirer* and the *Saint-Louis Republican* were the most conspicuous, took the opposite course and from the beginning advocated the indorsement of Mr. Greeley.

In the South the nomination was received with more favor. Mr. Greeley's readiness to go on the bail-bond of Jefferson Davis, his earnest championship of universal amnesty, and his expressed sympathy with the grievances of the old ruling element of the slave States, had created a kindly impression in that section. The prompt utterances of the Southern journals indicated that no obstacle would be encountered in the Democratic ranks below the Potomac. At the North, as the discussion proceeded, it became more and more evident that however reluctant the party might be, it really had no alternative but to accept Mr. Greeley. It had committed itself so fully to the Liberal movement that it could not now abandon it without certain disaster. Its only possible hope of defeating the Republican party lay in the Republican revolt, and the revolt could be fomented and prolonged only by imparting to it prestige and power. The Liberal leaders and journals did not hesitate to say that if it came to a choice between Grant and a Democrat, they would support Grant.

With this avowal they were masters of the situation so far as the Democracy was concerned, and the Democratic sentiment, which at first shrank from Greeley, soon became resigned to his candidacy.

While the work of reconciling the free-traders to the nomination of a Protectionist, and of inducing the Democracy to accept an anti-slavery leader, was in full progress, the Republican National Convention met at Philadelphia on the 5th of June. The venerable Gerritt Smith led the delegation from New York, with William Orton, Horace B. Claflin, Stewart L. Woodford, William E. Dodge, and John A. Griswold among his associates. Governor Hayes came from Ohio; General Burnside from Rhode Island; Governor Hawley from Connecticut; Governor Claflin and Alexander H. Rice from Massachusetts; Henry S. Lane and Governor Conrad Baker from Indiana; Governor Cullom from Illinois; James Speed from Kentucky; Amos T. Akerman from Georgia; John B. Henderson from Missouri; William A. Howard from Michigan; Ex-Senator Cattell and Cortlandt Parker from New Jersey; Governor Fairchild from Wisconsin; John R. Lynch, the colored orator, from Mississippi; Morton McMichael, Glenni W. Scofield, and William H. Koontz from Pennsylvania; Thomas Settle from North Carolina; James L. Orr from South Carolina.

Mr. McMichael, whose genial face and eloquent voice were always welcome in a Republican Convention, was selected as temporary chairman. "The malcontents," said he, "who recently met at Cincinnati were without a constituency; the Democrats who are soon to meet at Baltimore will be without a principle. The former, having no motive in common but personal disappointment, attempted a fusion of repellent elements which has resulted in explosion; the latter, degraded from the high estate they once held, propose an abandonment of their identity which means death." The only business appointed for the first day was speedily completed, and left ample time for public addresses. Gerritt Smith, General Logan, Senator Morton, Governor Oglesby, and others made vigorous party appeals, and delivered enthusiastic eulogies upon General Grant. Among the speakers were several colored men. It was the first National Convention in which representatives of their race had appeared as citizens, and the force and aptitude they displayed constituted one of the striking fea-

tures of the occasion. William H. Gray of Arkansas, R. B. Elliott of South Carolina, and John R. Lynch of Mississippi made effective speeches which were heartily applauded.

With the completion of the organization, by the choice of Judge Settle of North Carolina as permanent president, the Convention was ready on the second day for the nominations; and on the roll-call General Grant was named for President without a dissenting vote. Then came the contest in which the chief interest centred. Mr. Colfax had, at the beginning of the year, written a letter announcing that he would not be a candidate for re-election as Vice-President. He had undoubtedly alienated some of the friendship and popularity he had so long enjoyed. Under these circumstances Senator Henry Wilson of Massachusetts appeared as a candidate, and made rapid headway in party favor. He had always been a man of the people, and, though not shining with brilliant qualities, had acquired influence and respect through his robust sense, his sound judgment, and his practical ability. In ready debate, and in the clear and forcible presentation of political issues, he held a high place among Republican leaders. Mr. Colfax had recalled his withdrawal, and as the Convention approached, the contest was so even and well balanced as to stimulate both interest and effort.

The struggle was practically determined, however, in the preliminary caucusses of two or three of the large State delegations. When the roll-call was completed on the first and only ballot, Wilson had 364½ votes, and Colfax had 321½. The 22 votes of Virginia had been cast for Governor Lewis, the 26 of Tennessee for Horace Maynard, and the 16 of Texas for Governor Davis. The Virginia delegation was the first to get the floor and change to Wilson, thus securing his nomination; and the others promptly followed. Among the powerful influences which controlled the result were the combination and zealous activity of the Washington newspaper correspondents against Mr. Colfax, who had in some way estranged a friendship that for many years had been most helpful to him.

The platform came from a committee, including among its members General Hawley, Governor Hayes, Glenni W. Scofield, Ex-Attorney-General Speed, Mr. James N. Matthews, then of the *Buffalo Commercial*, and other representative men. That the year was largely one of personal politics, rather than of clear, sharp, overmastering issues, might be inferred from the scope and character of the resolutions. It was an hour for maintaining what had been gained, rather

than for advancing to new demands. Equal suffrage had been established, and the danger of repudiation which had threatened the country in 1868 had apparently passed away. The necessity and duty of preparing for specie resumption, which soon after engrossed public attention, were not yet apprehended or appreciated. Between the two periods the chief work was that of practically enforcing the settlements which had been ordained in the Constitutional Amendments.

The platform, after reciting the chapter of Republican achievements, declared "that complete liberty and exact equality in the enjoyment of all civil, political, and public rights should be established and effectually maintained throughout the Union by efficient and appropriate Federal and State legislation." It asserted that "the recent amendments to the National Constitution should be cordially sustained because they are *right;* not merely tolerated because they are *law.*" It answered the Liberal arraignment of the civil service by declaring that "any system of the civil service under which the subordinate positions of the Government are rewards for mere party zeal is fatally demoralizing, and we therefore favor a reform of the system by laws which shall abolish the evils of patronage." Besides these points, the Republican platform opposed further land-grants to corporations, recommended the abolition of the franking privilege, approved further pensions, sustained the Protective tariff, and justified Congress and the President in their measures for the suppression of violent and treasonable organizations in the South.

The Democratic National Convention met at Baltimore on the 9th of July. The intervening two months had demonstrated that it could do nothing but follow the Cincinnati Convention. The delegations were distinctly representative. New York sent Governor Hoffman, General Slocum, S. S. Cox, Clarkson N. Potter, and John Kelly. Among the Pennsylvania delegates were William A. Wallace, Samuel J. Randall, and Lewis Cassidy. Henry B. Payne came from Ohio; Thomas F. Bayard from Delaware; Montgomery Blair from Maryland; Henry G. Davis from West Virginia; Senator Casserly and Ex-Senator Gwin from California; Charles R. English and William H. Barnum from Connecticut; Senator Stockton and Ex-Governor Randolph from New Jersey. The Confederate forces were

present in full strength. Generals Gordon, Colquitt, and Hardeman came from Georgia; Fitz-Hugh Lee, Bradley T. Johnson, and Thomas S. Bocock from Virginia; General John S. Williams from Kentucky; Ex-Governor Vance from North Carolina; Ex-Governor Aiken from South Carolina; John H. Reagan from Texas; and George G. Vest from Missouri. Mr. August Belmont, after twelve years of service and defeat, appeared for the last time as chairman of the National Democratic Committee. Thomas Jefferson Randolph of Virginia (grandson of the author of the Declaration of Independence), a venerable and imposing figure, was made temporary chairman, and Ex-Senator James R. Doolittle of Wisconsin permanent president. Mr. Doolittle, having been first a Democrat, then a Republican, then a Democrat again, could well interpret the duplicate significance of the present movement; and he made a long speech devoted to that end.

On the second day the Committee on Resolutions reported the Cincinnati platform without addition or qualification. There was something grim and grotesque in the now demonstrated purpose of the Democratic Convention to accept the platform which Mr. Greeley had constructed with especial regard for the tender sensibilities of the Liberal Republicans. While the Democrats as a body had persistently opposed emancipation, and regarded it as a great political wrong, the party now resolved to maintain it. Hostile throughout all its ranks to any improvement in the status of the negro, they now determined in favor of his "enfranchisement." Resisting at every step the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution, they now resolved to "oppose any reopening of the questions that have been settled" by the adoption of these great changes in the organic law. With the Southern States dominant in the Convention, their delegates (all former slaveholders and at a later period engaged in rebellion in order to perpetuate slavery) now resolved with docile acquiescence to "recognize the equality of all men before the law; and the duty of the Government, in its dealings with the people, to mete out equal and exact justice to all, of whatever *nativity*, *race*, *color*, or persuasion, religious or political."

The Confederate leaders, still sore and angry over their failure to break up the Union, now declared that they remembered "with gratitude the heroism and sacrifices of the soldiers and sailors of the Republic," and that no act of the Democratic party "should ever detract from their justly earned fame, nor withhold the full reward of

their patriotism." Hitherto viewing the public debt as the price of their subjugation, they now declared that "the public credit must be sacredly maintained;" and they heartily denounced "repudiation in every form and guise." In their determination to make a complete coalition with the other wing of Mr. Greeley's supporters, the Confederate Democrats determined to accept any test that might be imposed upon them, to endure any humiliation that was needful, to assert and accept any and every inconsistency with their former faith and practice. It is somewhat interesting to compare the platform to which the Democrats assented in 1872 with any they had ever before adopted, or with the record of their senators and representatives in Congress upon all the public questions at issue during the years immediately preceding the Convention.

The report which committed the Democracy to so radical a revolution in its platform of principles met with protest from only an inconsiderable number of the delegates, and was adopted by a vote of 670 to 62. The Convention was now ready for the nominations. It had been plain for some weeks that the Cincinnati ticket would be accepted. The only question was whether the Democratic Convention should formally nominate Greeley and Brown, or whether it should simply indorse them without making them the regular Democratic candidates. It was urged on the one hand that to put the formal seal of Democracy on them might repel some Republican votes which would otherwise be secured. It was answered on the other hand that the passive policy would lose Democratic votes, which were reluctant at the best and could only be held by party claims. There was more danger from the latter source than from the former, and the general sentiment recognized the necessity of stamping the ticket with the highest Democratic authority. There was but one ballot. Mr. Greeley received 686 votes; while 15 from Delaware and New Jersey were cast for James A. Bayard, 21 from Pennsylvania for Jeremiah S. Black, 2 for William S. Groesbeck. For Vice-President Gratz Brown received 713, John W. Stevenson of Kentucky 6, with 13 blank votes.

Mr. Greeley's letter accepting the Democratic nomination appeared a few days later. He frankly stated that the Democrats had expected and would have preferred a different nomination at Cincinnati, and that they accepted him only because the matter was beyond their control. He expressed his personal satisfaction at the endorsement of the Cincinnati platform, and affected to regard this act as

the obliteration of all differences. The only other point of the letter was an argument for universal amnesty. This was the one doctrine upon which the parties to the alliance could most readily coalesce, and Mr. Greeley gave it singular prominence, as if confident that it was the surest way of winning Democratic support. He emphasized his position by referring to the case of Mr. Vance, who had just been denied his seat as Senator from North Carolina. Mr. Greeley made this case the chief theme of his letter, and insisted that the policy which excluded the chosen representative from a State, whoever he might be, was incompatible with peace and good will throughout the Union.[1]

With Grant and Greeley fairly in the field, the country entered upon a remarkable contest. At the beginning of the picturesque and emotional "log cabin canvass of 1840," Mr. Van Buren, with his keen insight into popular movements, had said, in somewhat mixed metaphor, that it would be "either a farce or a tornado." The present canvass gave promise on different grounds of similar alternatives. General Grant had been tried, and with him the country knew what to expect. Mr. Greeley had not been tried, and though the best known man in his own field of journalism, he was the least known and most doubted in the field of Governmental administration. No other candidate could have presented such an antithesis of strength and of weakness. He was the ablest polemic this country has ever produced. His command of strong, idiomatic, controversial English was unrivaled. His faculty of lucid statement and compact reasoning has never been surpassed. Without the graces of fancy or the arts of rhetoric, he was incomparable in direct, pungent, forceful discussion. A keen observer and an omniverous reader, he had acquired an immense fund of varied knowledge, and he marshaled facts with singular skill and aptness.

In an era remarkable for strong editors in the New-York Press, — embracing Raymond of the *Times*, the elder Bennett of the *Herald*, Watson Webb of the *Courier-Enquirer*, William Cullen

[1] Zebulon B. Vance had served in Congress prior to the war. He had participated in the Rebellion and had thus become subject to the disabilities imposed by the Fourteenth Amendment. His disabilities were removed at a later date, but at this time their remission had not been asked and they were still resting upon him. With the full knowledge that he was thus disqualified he was elected to the Senate, and the Senate declined to recognize an election defiantly made in the face of the Constitutional objection.

Bryant of the *Evening Post*, with Thurlow Weed and Edwin Crosswell in the rival journals at Albany, — Mr. Greeley easily surpassed them all. His mind was original, creative, incessantly active. His industry was as unwearying as his fertility was inexhaustible. Great as was his intellectual power, his chief strength came from the depth and earnestness of his moral convictions. In the long and arduous battle against the aggressions of Slavery, he had been sleepless and untiring in rousing and quickening the public conscience. He was keenly alive to the distinctions of right and wrong, and his philanthropy responded to every call of humanity. His sympathies were equally touched by the sufferings of the famine-stricken Irish and by the wrongs of the plundered Indians. Next to Henry Clay, whose ardent disciple he was, he had done more than any other man to educate his countrymen in the American system of protection to home industry. He had on all occasions zealously defended the rights of labor; he had waged unsparing war on the evils of intemperance; he had made himself an oracle with the American farmers; and his influence was even more potent in the remote prairie homes than within the shadow of Printing-House Square. With his dogmatic earnestness, his extraordinary mental qualities, his moral power, and his quick sympathy with the instincts and impulses of the masses, he was in a peculiar sense the Tribune of the people. In any reckoning of the personal forces of the century, Horace Greeley must be counted among the foremost — intellectually and morally.

When he left the fields of labor in which he had become illustrious, to pass the ordeal of a Presidential candidate, the opposite and weaker sides of his character and career were brought into view. He was headstrong, impulsive, and opinionated. If he had the strength of a giant in battle, he lacked the wisdom of the sage in council. If he was irresistible in his own appropriate sphere of moral and economic discussion, he was uncertain and unstable when he ventured beyond its limits. He was a powerful agitator and a matchless leader of debate, rather than a master of government. Those who most admired his honesty, courage, and power in the realm of his true greatness, most distrusted his fitness to hold the reins of administration. He had in critical periods evinced a want both of firmness and of sagacity. When the Southern States were on the eve of secesssion and the temper of the country was on trial, he had, though with honest intentions, shown signs of irresolution and vacillation. When he was betrayed into the ill-advised and

abortive peace negotiations with Southern commissioners at Niagara, he had displayed the lack of tact and penetration which made the people doubt the solidity and coolness of his judgment. His method of dealing with the most intricate problems of finance seemed experimental and rash. The sensitive interests of business shrank from his visionary theories and his dangerous empiricism. His earlier affiliation with novel and doubtful social schemes had laid him open to the reproach of being called a man of *isms*.

Mr. Greeley had moreover weakened himself by showing a singular thirst for public office. It is strange that one who held a commanding station, and who wielded an unequaled influence, should have been ambitious for the smaller honors of public life. But Mr. Greeley had craved even minor offices, from which he could have derived no distinction, and, in his own phrase, had dissolved the firm of Seward, Weed, and Greeley because, as he conceived, his claims to official promotion were not fairly recognized. This known aspiration added to the reasons which discredited his unnatural alliance with the Democracy. His personal characteristics, always marked, were exaggerated and distorted in the portraitures drawn by his adversaries. All adverse considerations were brought to bear with irresistible effect as the canvass proceeded, and his splendid services and undeniable greatness could not weigh in the scale against the political elements and personal disqualifications with which his Presidential candidacy was identified.

The political agitation became general in the country as early as July. Senator Conkling inaugurated the Grant campaign in New York with an elaborate and comprehensive review of the personal and public issues on trial. Senator Sherman and other leading speakers took the field with equal promptness. On the opposite side, Senator Sumner, who had sought in May to challenge and prevent the renomination of General Grant by concentrating in one massive broadside all that could be suggested against him, now appeared in a public letter advising the colored people to vote for Greeley. Mr. Blaine replied in a letter pointing out that Mr. Greeley, in denying the power of the General Government to interpose, had committed himself to a policy which left the colored people without protection.[1]

The September elections had ordinarily given the earliest indica-

[1] Senator Sumner retired from the canvass and sailed for Europe in September. Hostile as he was to President Grant, he saw in the end that his defeat would subject the nation to Democratic rule and to a ruinous re-action, which Mr. Greeley as President could not prevent.

tion in Presidential campaigns; but circumstances conspired this year to make the North-Carolina election, which was held on the 1st of August, the preliminary test of popular feeling. The earliest returns from North Carolina, coming from the eastern part of the State, were favorable to the partisans of Mr. Greeley. They claimed a decided victory, and were highly elated. The returns from the Western and mountain counties, which were not all received for several days, reversed the first reports, and established a Republican success. This change produced a re-action, and set the tide in the opposite direction. From this hour the popular current was clearly with the Republicans. The September elections in Vermont and Maine resulted in more than the average Republican majorities, and demonstrated that Mr. Greeley's candidacy had not broken the lines of the party. Early in that month a body of Democrats, who declined to accept Mr. Greeley, and who called themselves "Straightouts," held a convention at Louisville, and nominated Charles O'Connor for President and John Quincy Adams for Vice-President. The ticket received a small number of votes in many States, but did not become an important factor in the National struggle.

In anticipation of the October elections Mr. Greeley made an extended tour through Pennsylvania, Ohio and Indiana, addressing great masses of people every day and many times a day during a period of two weeks. His speeches, while chiefly devoted to his view of the duty and policy of pacification, discussed many questions and many phases of the chief question. They were varied, forcible, and well considered. They presented his case with an ability which could not be exceeded, and they added to the general estimate of his intellectual faculties and resources. He called out a larger proportion of those who intended to vote against him than any candidate had ever before succeeded in doing. His name had been honored for so many years in every Republican household, that the desire to see and hear him was universal, and secured to him the majesty of numbers at every meeting. So great indeed was the general demonstration of interest, that a degree of uneasiness was created at Republican headquarters as to the ultimate effect of his tour.

The State contests had been strongly organized on both sides at the decisive points. In New York the Democrats nominated Francis Kernan for Governor, — a man of spotless character and great popularity. The Republicans selected General John A. Dix as the rival candidate, on the earnest suggestion of Thurlow Weed, whose saga-

city in regard to the strength of political leaders was rarely at fault. General Dix was in his seventy-fifth year, but was fresh and vigorous both in body and mind. In Indiana the leading Democrat, Thomas A. Hendricks, accepted the gubernatorial nomination and the leadership of his party, against General Thomas M. Browne, a popular Republican and a strong man on the stump. Pennsylvania was the scene of a peculiarly bitter and angry conflict. General Hartranft, the Republican candidate for Governor, had been Auditor-General of the State, and his administration of the office was bitterly assailed. The old factional differences in the State now entered into the antagonism, and he was strenuously fought by an element of his own party under the inspiration of Colonel Forney, who, while professedly supporting Grant, threw all the force of the Philadelphia *Press* into the warfare against Hartranft. This violent opposition encouraged the partisans of Mr. Greeley with the hope that they might secure the *prestige* of victory over the Republicans in Pennsylvania, whose October verdicts had always proved an unerring index to Presidential elections. But they were doomed to disappointment. The people saw that the charges against General Hartranft were not only unfounded but malicious, and he was chosen Governor by more than 35,000 majority. Ohio gave a Republican majority on the same day of more than 14,000; and though Mr. Hendricks carried Indiana by 1,148, this narrow margin for the strongest Democrat in the State was accepted as confirming the sure indications in the other States.

The defeat of Mr. Greeley and the re-election of General Grant were now, in the popular belief, assured. The result was the most decisive, in the popular vote, of any Presidential election since the unopposed choice of Monroe in 1820; and on the electoral vote the only contests so one-sided were in the election of Pierce in 1852, and the second election of Lincoln in 1864, when the States in rebellion did not participate. The majorities were unprecedented. General Grant carried Pennsylvania by 137,548, New York by 53,455, Illinois by 57,006, Iowa by 60,370, Massachusetts by 74,212, Michigan by 60,100, Ohio by 37,501, and Indiana by 22,515. Several of the Southern States presented figures of similar proportion. In South Carolina the Republican majority was 49,587, in Mississippi 34,887, and in North Carolina 24,675. Mr. Greeley carried no Northern State, and only six Southern States, — Georgia, Kentucky, Maryland, Missouri, Tennessee, and Texas. But these great majori-

ties were not normal, and did not indicate the real strength of parties. The truth is, that after the October elections Mr. Greeley's canvass was utterly hopeless; and thousands of Democrats sought to humiliate their leaders for the folly of the nomination by absenting themselves from the polls. The Democratic experiment of taking a Republican candidate had left the Republican party unbroken; while the Democratic party, if not broken, was at least discontented and disheartened, — given over within its own ranks to recrimination and revenge.

The political disaster to Mr. Greeley was followed by a startling and melancholy conclusion. He was called during the last days of the canvass to the bedside of his dying wife, whom he buried before the day of election. Despite this sorrow and despite the defeat, which, in separating him from his old associates, was more than an ordinary political reverse, he promptly returned with unshaken resolve and intrepid spirit to the editorship of the *Tribune*, — the true sphere of his influence, the field of his real conquests. But the strain through which he had passed, following years of incessant care and labor, had broken his vigorous constitution. His physical strength was completely undermined, his superb intellectual powers gave way. Before the expiration of the month which witnessed his crushing defeat he had gone to his rest. The controversies which had so recently divided the country were hushed in the presence of death; and all the people, remembering only his noble impulses, his great work for humanity, his broad impress upon the age, united in honoring and mourning one of the most remarkable men in American history.

CHAPTER XXIII.

President Grant's Second Inauguration. — Complains of Partisan Abuse. — Organization of Forty-third Congress. — Prominent Members of Senate and House. — Death of Charles Sumner. — Impressive Funeral Ceremonies. — Singular Reminiscence by Mr. Dawes. — Speech by Mr. Lamar. — Career of Alexander H. Stephens. — Government of District of Columbia. — Radical Change. — Great Improvement. — Alexander R. Shepherd. — Republican Reverse, 1874. — Democratic House of Representatives. — Michael C. Kerr, Speaker. — Members of Senate and House. — Radical Changes. — Andrew Johnson in the Senate. — His Speech. — Dies at his Home in Tennessee. — Condition of the South. — Amnesty. — Amendment to except Jefferson Davis. — Bill defeated.

THE friends of General Grant intended that his second inauguration (March 4, 1873) should be even more impressive than the first; but the skies were unpropitious, and the day will long be remembered, by those who witnessed the festivities, for the severity of the cold, — altogether exceptional in the climate of Washington. It destroyed the pleasure of an occasion which would otherwise have been given to unrestrained rejoicing over an event that was looked upon by the great majority of the people of the United States as peculiarly auspicious.

For a man who had always been singularly reticent concerning himself, both in public and private, the President gave free expression to what he regarded as the mistreatment and abuse he had received from political opponents. He looked forward, he said, "with the greatest anxiety for release from responsibilities which at times are almost overwhelming," and from which he had "scarcely had a respite since the eventful firing on Fort Sumter, in April, 1861, to the present day." "My services," said he, "were then tendered and accepted under the first call for troops growing out of the event. I did not ask for place or position, and was entirely without influence or the acquaintance of persons of influence, but was resolved to perform my part in a struggle threatening the very existence of the Nation. I performed a conscientious duty without asking pro-

motion or command, and without a revengeful feeling towards any section or individual. Notwithstanding this, throughout the war and from my candidacy for my present office in 1868 to the close of the last Presidential campaign, I have been the subject of abuse and slander scarcely ever equaled in political history, which to-day I feel that I can afford to disregard in view of your verdict which I gratefully accept as my vindication."

Surprise was generally expressed at this manifestation of personal feeling on the part of the President. He had undoubtedly been called upon to confront many unpleasant things, as every incumbent of his office must; but General Grant was surely in error in considering himself defamed beyond the experience of his predecessors. The obloquy encountered by Mr. Jefferson in 1800, by both Adams and Jackson in 1828, and by Mr. Clay, as a candidate, for twenty years, far exceeded in recklessness that from which the President had suffered. A military education and an army life had not prepared General Grant for the abandoned form of vituperation to which he was necessarily subjected when he became a candidate for the Presidency. For this reason, perhaps, he endured it less patiently than his predecessors, who had been subjected to it in worse form and more intolerant spirit. But General Grant had the good fortune, in great degree denied to his predecessors, to see his political enemies withdraw their unfounded aspersions during his lifetime, to see his calumniators become his personal and official eulogists, practically retracting the slanders and imputations to which they had given loose tongue when the object at stake was his defeat for the Presidency.

The President had made changes in his Cabinet and had lost the two Massachusetts members, — E. Rockwood Hoar, Attorney-General, and Mr. Boutwell, Secretary of the Treasury. The former resigned in 1870; the latter in 1873, to take the seat in the Senate made vacant by the election of Henry Wilson to the Vice-Presidency. These gentlemen were among the most valued of President Grant's advisers, and the retirement of each was deeply regretted. The changes in the Cabinet continued through President Grant's second term.[1]

[1] In the history of the Federal Government only one administration (that of Franklin Pierce) has completed its full term without a single change in the Cabinet announced at its beginning. The following are the members of General Grant's Cabinet, the changes in which were in the aggregate more numerous than in the Cabinet of any of his predecessors: —

The Forty-third Congress organized on the first Monday in December, 1873. Among the new senators were some men already well known, and others who subsequently became conspicuous in the public service: —

— William B. Allison of Iowa had served eight years in the House, closing with March 4, 1871, and was now promoted to the Senate by the people of his State, who appreciated his sterling qualities. For industry, good judgment, strong common sense, and fidelity to every trust, both personal and public, Mr. Allison has established an enviable reputation. He devoted himself to financial questions and soon acquired in the Senate the position of influence which he had long held in the House. In both branches of Congress his service has been attended with an exceptional degree of popularity among his associates of both parties.

— Aaron A. Sargent, a native of Massachusetts, had served six years in the House at two different periods (beginning in 1861) as a representative from California. He was originally a printer and editor, but turned his attention to the law and became a member of the bar in 1854. He enjoyed the distinction in California of being a pioneer of 1849, and was thoroughly acquainted with the development of the State at every step in her wonderful progress. No man ever kept more eager watch over the interests of his constituency or was more constant and indefatigable in his legislative duties.

— John J. Ingalls, a native of Massachusetts and a graduate of Williams College, sought a home in Kansas directly after the completion of his law studies in 1858. He at once took part in public affairs, holding various offices under the Territorial and State Gov-

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Secretaries of State. — Elihu B. Washburne, Hamilton Fish.

Secretaries of the Treasury. — George S. Boutwell, William A. Richardson, Benjamin H. Bristow, Lot M. Morrill.

Secretaries of War. — John A. Rawlins, William W. Belknap, Alphonso Taft, James Donald Cameron.

Secretaries of the Navy. — Adolph E. Borie, George M. Robeson.

Postmasters-General. — John A. J. Creswell, James W. Marshall, Marshall Jewell, James N. Tyner.

Attorneys-General. — E. Rockwood Hoar, Amos T. Akerman, George H. Williams, Edwards Pierrepont, Alphonso Taft.

Secretaries of the Interior. — Jacob D. Cox, Columbus Delano, Zachariah Chandler.

By this it will be seen that twenty-four Cabinet officers served under General Grant. But this number does not include Alexander T. Stewart, who though confirmed did not enter upon his duties as Secretary of the Treasury; or General Sherman, who was Secretary of War *ad interim*; or Eugene Hale, who was appointed Postmaster-General, but never entered upon service. Mr. Taft is counted only once, though he served in two Departments.

ernments in succession; was for some years editor of a prominent paper; and was engaged steadily in the practice of the law until his election to the Senate. His training and culture are far beyond that ordinarily implied by the possession of a college diploma. His mind has been enriched by the study of books and disciplined by controversy at the Bar and in the Senate. As a speaker he is fluent and eloquent, but perhaps too much given to severity of expression. He possesses in marked degree the dangerous power of sarcasm, and in any discussion which borders upon personal issues Mr. Ingalls is an antagonist to be avoided. But outside the arena of personal conflict he is a genial man. He devotes himself closely to his senatorial duties, and exhibits the steady growth which uniformly attends the superior mind.

— John P. Jones entered the Senate from Nevada in his forty-third year. Though born in Wales, he was reared from infancy in the northern part of Ohio. He went to California before he attained his majority, and subsequently became a citizen of Nevada. His Welsh blood, his life in the Western Reserve, and his long experience as a miner on the Pacific slope, combined to make a rare and somewhat remarkable character. His educational facilities embraced only the public schools of Cleveland, but he has by his own efforts acquired a great mass of curious and valuable information. A close observer of men, gifted with humor and appreciating humor in others, he is a genial companion and always welcome guest. He is a man of originality and works out his own conclusions. His views of financial and economical questions are often in conflict with current maxims and established precedents, but no one can listen to him without being impressed by his intellectual power.

— Richard J. Oglesby, who took the place of Lyman Trumbull as senator from Illinois, is a native of Kentucky, but went to Illinois when twelve years of age. He was admitted to the bar as soon as he attained his majority, in 1845. He was a soldier in the Mexican war, and spent two years as a miner in California. On returning to Illinois he took active part in politics, and was influential in promoting the nomination of Mr. Lincoln for the Presidency in 1860. He enlisted in the Union Army as soon as the civil war began, went to the field as a Colonel and retired from it as a Major-General. He was Governor of his State from 1865 to 1869, and was re-elected to the same office in 1872 but was immediately transferred to the Senate. Few men have enjoyed a greater degree of personal popu-

larity among neighbors, acquaintances, and the people of an entire State, than General Oglesby. His frankness, his kindly disposition, his sympathy with the desires and the needs of the great mass of the people, his pride in Illinois and his devotion to her interests, all combined to give him not merely the political support but the strong personal attachment of his fellow-citizens.

— John H. Mitchell, a native of Pennsylvania who went to the Pacific coast before he had fairly passed from the period of boyhood, now returned as senator from Oregon at thirty-seven years of age. He had been diligent and successful as a lawyer, and had acquainted himself in a very thorough manner with the wants and the interests of his State, to which he devoted himself with assiduity and success. He was an accurate man and always discharged his senatorial duties with care and fidelity.

The new senators from the South were in themselves the proof that the Republicans still had control in several of the reconstructed States, and that in others the Democrats had regained complete ascendency. — Stephen W. Dorsey, who had been in the military service from Ohio and settled in Arkansas after the war, now appeared as senator from that State, at thirty-two years of age. — John J. Patterson, a native of Pennsylvania, came from South Carolina, and Simon B. Conover, a native of New Jersey, from Florida. — Georgia had been recovered by the Democrats, and now sent John B. Gordon as senator to succeed Joshua Hill. General Gordon had been conspicuous in the Confederate service, commanding a corps in the army of General Lee. He enjoyed at the time of his election great personal popularity in his State. — North Carolina, though carried on the popular vote for General Grant, had elected a Democratic Legislature; and A. S. Merrimon, prominent at the bar of his State and of long service on the bench, now appeared with credentials as senator to succeed John Pool.

The most conspicuous additions to the House of Representatives of the Forty-third Congress were E. Rockwood Hoar of Massachusetts, Lyman Tremaine of New York, L. Q. C. Lamar of Mississippi, William R. Morrison of Illinois, John A. Kasson of Iowa, and Hugh J. Jewett of Ohio. These gentlemen were already widely known to the country. Judge Hoar and Mr. Tremaine served but one term; Mr. Jewett resigned to take the Presidency of the Erie Railroad; Mr. Morrison, Mr. Kasson, and Mr. Lamar acquired additional distinction by subsequent service. Among those now entering who grew into

prominence, were Julius C. Burrows, George Willard, and Jay A. Hubbell of Michigan; Charles G. Williams of Wisconsin; Richard P. Bland (of "Bland dollar" fame), T. T. Crittenden, and Edwin O. Stanard of Missouri: Horace F. Page of California; Greenbury L. Fort of Illinois; James Wilson and James W. McDill of Iowa; William A. Phillips of Kansas; Lorenzo Danford, James W. Robinson, Milton I. Southard, and Richard C. Parsons from Ohio; Lemuel Todd, A. Herr Smith, and Hiester Clymer of Pennsylvania; Eppa Hunton and John T. Harris of Virginia; John M. Glover and Aylett H. Buckner of Missouri. Henry J. Scudder, a very intelligent gentleman whose service should have been longer, came from the Staten Island district, New York. Milton Sayler and Henry B. Banning entered from the Cincinnati districts, the latter with the distinction of having defeated Stanley Matthews. Stephen A. Hurlbut and Joseph G. Cannon entered from Illinois. Each soon acquired a prominent position in the House, — General Hurlbut as a ready debater, and Mr. Cannon as an earnest worker. Mr. Cannon, indeed, became an authority in the House on all matters pertaining to the Postal Service of the United States.

— Thomas C. Platt came from the Binghamton district of New York. He had been an active man of business and had gained personal popularity. He developed an aptitude for public affairs and soon acquired influence in his State. He was not a trained debater, nor had he, when he entered Congress, official experience of any kind. But he was gifted with strong common sense, and had that quick judgment of men which contributes so essentially to success in public life.

— William Walter Phelps came from the Passaic district of New Jersey. He is a member of the well-known Connecticut family of that name, — a family distinguished for integrity and independence of character, and for success in great financial enterprises. Mr. Phelps received a thorough intellectual training and graduated with distinction at Yale College in 1860. He was soon after admitted to the bar of New York, and took part in the management of various corporations. He has an admirable talent for *extempore* speech. The inheritance of a large fortune has perhaps in some degree hindered Mr. Phelps's success in a political career; but it has not robbed him of manly ambition, or lowered his estimate of a worthy and honorable life.

— Stewart L. Woodford entered from one of the Brooklyn districts.

Graduating at Columbia College in 1854, he was soon after admitted to the bar, but left his practice to enlist in the Union service when the civil war began. He was a good soldier, and reached the rank of Brigadier-General. He was elected Lieutenant-Governor of New York in 1866 at thirty-one years of age. He has acquired wide popularity as a platform speaker. He enjoys the unlimited confidence and respect of friends and neighbors, — the best attestation that can be given of a man's real character.

— Stephen B. Elkins was for four years a most efficient delegate in Congress from New Mexico. He was a distinguished graduate of Missouri University, and though reared in a community where Southern influences prevailed was an earnest Union man. He went to New Mexico soon after attaining his majority, served in the Legislative Assembly, became prominent at the bar, was Attorney-General of the Territory, and afterwards United-States District Attorney. He entered Congress in his thirty-second year.

— Two other delegates who were in Congress at the same time, Richard C. McCormick of Arizona, and Martin Maginnis of Montana, — the one a Republican and the other a Democrat, — became distinguished for the zeal and ability with which they guarded the interests of their constituents.

The long and honorable service of Edward McPherson as Clerk of the House, terminated with the close of the Forty-third Congress. He had held the position for twelve consecutive years — a period which followed directly after four years of service as representative in Congress from the Gettysburg district. When first elected to Congress he was but twenty-eight years of age. The Clerkship of the House is a highly responsible office, and no man could discharge its complex duties with greater intelligence, fidelity and discretion than did Mr. McPherson throughout the whole period of his service.[1] Beyond his official duties he rendered great service to the public by the compilation of political handbooks for Presidential and Congressional elections. The facts pertinent to political discussion were impartially presented and admirably arranged. Mr. McPherson's larger works, the histories of the Rebellion and of Reconstruction, are invaluable to the political student.

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[1] Pennsylvanians have filled the Clerkship of the House for forty years in all. The best known, besides Mr. McPherson, are Matthew St. Clair Clarke, Walter S. Franklin and John W. Forney.

On Friday, the sixth day of March, 1874, Charles Sumner was in the Senate chamber for the last time. He took active part in the proceedings of the day, debating at some length the bill proposing an appropriation for the Centennial celebration at Philadelphia. On Monday, the 9th, to which day the Senate adjourned, his absence was noticed, but not commented on further than that one senator remembered Mr. Sumner's complaining of a sense of great fatigue after his speech of Friday. The session of Monday lasted but a few minutes, as the Senate adjourned from respect to the memory of Ex-President Fillmore, who had died the day before at his home in Buffalo. On Tuesday there were rumors within the circle of Mr. Sumner's intimate friends that he was ill, but no special anxiety was felt until near nightfall, when it was known that he was suffering from a sudden and violent attack of *angina pectoris*, and grave apprehensions were felt by his physicians. By a coincidence which did not escape observation, it was the anniversary of the day on which three years before he was removed from the chairmanship of the Committee on Foreign Relations. He died in the afternoon of the next day, Wednesday, March 11 (1874). On Thursday the funeral services were held in the Senate chamber, and were marked with a manifestation of personal sorrow on the part of multitudes of people, more profound than had attended the last rites of any statesman of the generation, — Abraham Lincoln alone excepted. Formal eulogies were pronounced upon his life and character on the 27th of April, his colleague Mr. Boutwell presenting the appropriate resolutions in the Senate, and his intimate friend of many years, E. Rockwood Hoar, in the House. The eulogies in both branches were numerous and touching. They were not confined to party, to section, or to race.

Whoever was first in other fields of statesmanship, the pre-eminence of Mr. Sumner on the slavery question must always be conceded. Profoundly conversant with all subjects of legislation, he yet devoted himself absorbingly to the one issue which appealed to his judgment and his conscience. He held the Republican party to a high standard, — a standard which but for his courage and determination might have been lowered at several crises in the history of the struggle for Liberty. He did not live to see the accomplishment of all the measures to which he had dedicated his powers. He died without seeing his Civil Rights Bill enacted into law. For that only he desired to live. To his colleague and faithful friend, Henry

Wilson, who followed him so soon, he said mournfully: "If the publication of my works were completed and my Civil Rights Bill passed, no visitor could enter the door that would be more welcome than Death." He was weary of life. He was solitary, without kindred, without domestic ties. He had been subjected at intervals for eighteen years to great suffering, which with the anxieties of public life and the solitude which had become burdensome wore away his energy. However much his wisdom may be questioned by those who were not his political friends, whatever criticism may be made of the zeal which not infrequently was assumed to be ill-timed and misjudged, Mr. Sumner must ever be regarded as a scholar, an orator, a philanthropist, a philosopher, a statesman whose splendid and unsullied fame will always form part of the true glory of the Nation.

An incident related by Mr. Dawes in his eulogy of Mr. Sumner strikingly illustrates the shortsightedness and miscalculation of the Southern statesmen preceding the Rebellion. Mr. Sumner's first term in the Senate began just as the last term of Colonel Benton closed. Soon after his arrival in Washington the Massachusetts senator met the illustrious Missourian. They became well acquainted and friendly. In the ensuing year the two eminent men had a conversation on public affairs. The Compromise of 1850 had been approved by both the great parties in their National Conventions, and Franklin Pierce had just been chosen President. The power of the South seemed fixed, its control of public events irresistible. To the apprehension of the political historian the Slave power had not been so strong since the day of the Missouri Compromise, and its statesmen looked forward to policies which would still further enhance its strength. Colonel Benton said to Mr. Sumner: "You have come upon the stage too late, sir. All our great men have passed away. Mr. Calhoun and Mr. Clay and Mr. Webster are gone. Not only have the great men passed away, but the great issues, too, raised from our form of government and of deepest interest to its founders and their immediate descendants, have been settled, sir. The last of these was the National Bank, and that has been overthrown forever. Nothing is left you, sir, but puny sectional questions and petty strifes about slavery and fugitive-slave laws, involving no National issues."

It is instructive to remember that in little more than eight years after this conversation, and but three years after Colonel Benton's death, the civil war began, and opened to Mr. Sumner the opportu-

nity of leading in a political and social revolution almost without parallel in modern times.

A singular interest was added to the formal eulogies of Mr. Sumner by the speech of Mr. Lamar of Mississippi, who had just returned to the House of Representatives which he left thirteen years before to join his State in secession. It was a mark of positive genius in a Southern representative to pronounce a fervid and discriminating eulogy upon Mr. Sumner, and skilfully to interweave with it a defense of that which Mr. Sumner like John Wesley believed to be the sum of all villanies. Only a man of Mr. Lamar's peculiar mental type could have accomplished the task. He pleased the radical anti-slavery sentiment of New England: he did not displease the radical pro-slavery sentiment of the South. There is a type of mind in the East that delights in refined fallacies, in the reconciling of apparent contradictions, in the tracing of distinctions and resemblances where less subtle intellects fail to perceive their possibility. There is a certain Orientalism in the mind of Mr. Lamar, strangely admixed with typical Americanism. He is full of reflection, full of imagination; seemingly careless, yet closely observant; apparently dreamy, yet altogether practical.

It is the possession of these contradictory qualities which accounts for Mr. Lamar's political course. His reason, his faith, his hope, all led him to believe in the necessity of preserving the Union of the States; but he persuaded himself that fidelity to a constituency which had honored him, personal ties with friends from whom he could not part, the maintenance of an institution which he was pledged to defend, called upon him to stand with the secession leaders in the revolt of 1861. He was thus ensnared in the toils of his own reasoning. His very strength became his weakness. He could not escape from his self-imposed thraldom and he ended by following a cause whose success could bring no peace, instead of maintaining a cause whose righteousness was the assurance of victory.

Alexander H. Stephens took his seat in the same Congress with Mr. Lamar. He had acquired a commanding reputation in the South by his sixteen years' service in the House from 1843 to 1859. He had been trained in the Whig school, and had early espoused the strong Federal principles which recognized the doctrine of secession as a heresy, and disunion as a crime. In joining the Rebellion

he renounced a creed of Nationality in which the Democratic promoters of the Confederacy had never believed. He incurred thereby a heavier responsibility than those who, trained in the strict construction school, found sovereignty in the State and recognized no superior allegiance to the National Government; who in fact denied that there was any such power existing as a *National* Government. If Mr. Stephens had maintained his original devotion to the *National* idea, a noble course lay before him; but when he drifted from his moorings of loyalty to the Union he surrendered the position that could have given him fame. He was rewarded with the second office in the Confederacy — which may be taken as the measure of his importance to the Secession cause, according to the estimate of the original conspirators against the Union.

Mr. Stephens was physically a shattered man when he resumed his seat in Congress, but the activity of his mind was unabated. With all their disposition to look upon him as an illustrious statesman, it must be frankly confessed that he made little impression upon the new generation of public men. Instead of the admiration which his speeches were once said to have elicited in the House, the wonder now grew that he ever could have been considered an oracle or a leader. He had been dominated in the crises of his career by the superior will and greater ability of Robert Toombs; and he now appeared merely as a relic of the past in a representative assembly in which his voice was said to have been once potential.

At the close of the Forty-first Congress in the month of February, 1871, an Act was passed providing a government for the District of Columbia. It repealed the charters of the cities of Washington and Georgetown, destroyed the old Levy court which existed under the statutes of Maryland before the District was ceded, and placed over the entire territory a form of government totally differing from any which had theretofore existed. It consisted of a Governor, and a Legislative Assembly composed of a Council and a House of Delegates. The Governor and the Council were to be appointed by the President and confirmed by the Senate, and the House of Delegates was to be elected by the people; thus making the government conform in essential respects to that which had been provided for the earlier Territories of the United States. Powers assimilating mainly with

those granted to new Territories were conferred upon the government of the District, including the power to borrow money to an amount equivalent to "five per cent of the assessed value of property in said District;" and to borrow without charter limitation, "provided the law authorizing the same shall, at a general election, have been submitted to the people, and have received a majority of the votes cast for members of the Legislative Assembly at such election."

It was a radical change, and the powers were granted because of the necessity, which was generally felt, that something should be done for the improvement of the National Capital. Alexander R. Shepherd, a native of the District, engaged in business as a plumber and known to be a man of remarkable energy and enterprise, was appointed Governor of the District by President Grant and was confirmed by the Senate. He was a personal friend in whom the President reposed boundless confidence. In the course of little more than three years, which was the duration of the new government, an astonishing change was effected in the character and appearance of the city of Washington. From an ill-paved, ill-lighted, unattractive city, it became a model of regularity, cleanliness, and beauty. No similar transformation has ever been so speedily realized in an American city, the model being found only in certain European capitals where public money had been lavishly expended for adornment.

Of course so great an improvement involved the expenditure of large sums, and the District of Columbia found itself in debt to the amount of several millions. An agitation was aroused against what was alleged to be the corrupt extravagance of the government; the law authorizing it was repealed and the District placed under the direction of three Commissioners, who have since administered its affairs. Whatever fault may be found, whatever charges may be made, the fact remains that Governor Shepherd wrought a complete revolution in the appearance of the Capital. Perhaps a prudent and cautious man would not have ventured to go as fast and as far as he went, but there was no proof that selfish motives had inspired his action. He had not enriched himself, and when the government ended he was compelled to seek a new field of enterprise in the mineral region of Northern Mexico. The prejudice evoked towards Governor Shepherd has in large part died away, and he is justly entitled to be regarded as one who conferred inestimable bene-

fits upon the city of Washington. The subsequent growth of population, the great number of new and handsome residences, the rapid and continuous rise in the value of real estate, the vastly increased number of annual visitors, have given a new life to the National Capital which dates distinctly from the changes and improvements which he inaugurated.

The Republican party naturally considered itself invested with a new lease of power. The victory in the Presidential election of 1872 had been so sweeping, both in the number of States and in the popular majorities, that it seemed as if no re-action were possible for years to come. The Liberal-Republican organization had been practically dissolved by the disastrous defeat of Mr. Greeley, and the Democracy had been left prostrate, discouraged and rent with personal feuds. But the financial panic of 1873 precipitated a new element into the political field, and led to a counter-revolution that threatened to be as irresistible as the Republican victory which it followed. The first warning came in the election of William Allen Governor of Ohio in 1873, over Edward F. Noyes, the Republican incumbent. It was followed by the defeat of General Dix and the election of Samuel J. Tilden Governor of New York the ensuing year, and by such a re-action throughout the country as gave to the Democratic party control of the House of Representatives for the first time since 1859.

The extent of the political revolution was made apparent in the vote of the House of Representatives on the 6th of March, 1875, when the Forty-fourth Congress was duly organized. Michael C. Kerr of Indiana, long and favorably known as one of the Democratic leaders of the House, was nominated by his party for Speaker, and the Republicans nominated Mr. Blaine, who for the past six years had occupied the Chair. Mr. Kerr received 173 votes; Mr. Blaine received 106. The relative strength of the two parties had therefore been reversed from the preceding Congress. It was a species of revolution which brought to the front many men not before known to the public.

— Among the Democrats, now the dominant party, the most prominent of the new members from the South were John Randolph Tucker of Virginia, a distinguished lawyer who had been Attorney-General of his State and always a zealous adherent of the State-rights'

school; Alfred M. Scales of North Carolina, a member of the House in 1857–59 and afterwards Governor of his State; Benjamin H. Hill of Georgia, who had become distinguished as a member of the Confederate Senate, and who as a popular orator and ready debater had attained high rank in the South; Joseph C. S. Blackburn and Milton J. Durham of Kentucky, — the former a fluent speaker, the latter an indefatigable worker; Washington C. Whitthorne and John D. C. Atkins of Tennessee, — the latter a member of the House in the Thirty-fifth Congress; John H. Reagan of Texas, Confederate Postmaster-General; Otho R. Singleton and Charles E. Hooker of Mississippi, — the former a member of the House as early as 1853; Charles J. Faulkner of West Virginia, a prominent Democrat before the war, and conspicuously identified with the rebellion; Thomas L. Jones of Kentucky, who had already served in the House; Randall L. Gibson and E. John Ellis, young and ambitious men from Louisiana; and John Goode, jun., of Virginia, who had been a member of the Confederate Congress. The growing strength of the South was noticeable in the House, and was the main reliance of the Democratic party.

— From the North the most distinguished Democrats were Abram S. Hewitt and Scott Lord from New York; Frank Jones of New Hampshire, a successful business man of great and deserved popularity; Charles P. Thompson, a well-known lawyer of Massachusetts; Chester W. Chapin, a railroad magnate from the same State; George A. Jenks, a rising lawyer from Pennsylvania; John A. McMahon of Ohio, apt and ready in discussion; Alpheus S. Williams of Michigan, a West-Point graduate, a General in the civil war, and in his younger days an intimate friend and traveling-companion of the "Chevalier" Wikoff; William Pitt Lynde of Milwaukee, a noted member of the Wisconsin Bar. — From Illinois three Democrats entered who became active in the partisan arena in after years, — Carter H. Harrison, William M. Springer, and William A. J. Sparks. John V. LeMoyne, son of the eminent anti-slavery leader, Francis J. LeMoyne, entered as a Democratic member from Chicago.

— The most prominent Republicans among the new members were Martin I. Townsend of the Troy district, New York, not more distinguished for his knowledge of the law than for his rare gifts of wit and humor; Elbridge G. Lapham of Canandaigua and Lyman K. Bass of Buffalo, both well known at the bar of Western New York; Simeon B. Chittenden, a successful merchant of the city of New

York; Winthrop W. Ketchum, for many years in the Legislature of Pennsylvania; Charles H. Joyce of Vermont, with a good war record; William W. Crapo, a lawyer with large practice at New Bedford, Massachusetts; Julius H. Seelye, the able and learned President of Amherst College; Henry L. Pierce, a well-known manufacturer of Massachusetts; and Thomas J. Henderson of Illinois, a Brigadier-General in the Union Army. — Henry W. Blair of New Hampshire was a member of the bar, enlisted early in the war, and attained the rank of Lieutenant-Colonel. He had been in both branches of the Legislature of his State, and was a leader in the Prohibition cause.

In the Senate the Democratic gain, though it had not changed the control of the body, was very noticeable. William W. Eaton of Connecticut, an old-fashioned Democrat, honest, sincere, and outspoken in his sentiments, succeeded Governor Buckingham. Francis Kernan of New York, who had already served in the House of Representatives, took the seat of Governor Fenton. Joseph E. McDonald of Indiana, a man of strong parts, succeeded Daniel D. Pratt. William A. Wallace of Pennsylvania, an extreme partisan, but an agreeable gentleman and loyal friend, took the place of John Scott. Allen T. Caperton, an estimable man who had served in the Confederate Senate, now succeeded Arthur I. Boreman of West Virginia. Samuel B. Maxey of Texas, a graduate of West Point, succeeded J. W. Flanagan. Charles W. Jones of Florida succeeded Abijah Gilbert. Robert E. Withers of Virginia succeeded John F. Lewis. Last and most prominent of all, Ex-President Andrew Johnson succeeded William G. Brownlow from Tennessee.

These nine Democrats took the place of nine Republicans, making a net difference in the Senate of eighteen, — a difference somewhat increased by the fact that Francis M. Cockrell, a decided Democrat, took the place of Carl Schurz, who, as between political parties, was always undecided. Nor was this uniform series of Democratic gains balanced in any degree by Republican gains. The new Republican senators all took the places of Republican predecessors. The other new Democratic senators took the places of Democratic predecessors. The Republicans had lost the power to command two-thirds of the Senate, and had entered upon that struggle which led soon after to a contest for the mastery of the body. More and more it became evident that as the commissions of the present Republican senators from the South should expire, their places would be filled by Demo-

crats; and that with thirty-two senators in a compact body from the recent slave States, it would require a strong Republican union in the North to maintain a majority.

Among the Republicans who now entered the Senate were General Burnside, who succeeded William Sprague from Rhode Island; Angus Cameron, who succeeded Matthew H. Carpenter from Wisconsin; Isaac P. Christiancy, who succeeded Zachariah Chandler from Michigan; Samuel J. R. McMillan, who succeeded Alexander Ramsey from Minnesota. Henry L. Dawes succeeded William B. Washburn, who had served out the remnant of Mr. Sumner's term. Newton Booth, who had been Governor of California, now took his seat in the Senate as the colleague of Mr. Sargent. Governor Booth had suddenly come into prominence on the Pacific coast, and though professing a general allegiance to the Republican party, he had been and continued to be somewhat independent in his views and his votes, especially upon railroad questions.

Ex-President Johnson signalized his return by beginning in the Senate just where he had left off in the Presidency. Two weeks after the session convened he seized the occasion of a resolution relating to Louisiana affairs to recount some incidents in his own Administration, and gave to his whole speech the color of a vindictive attack upon President Grant. The motive was somewhat concealed under decorous language, but the attack was nevertheless personal and direct. He assailed Sheridan's military administration in Louisiana, defended that of General Hancock, accused President Grant of designing to seize a third term of his office, imputed evil motives to him for accepting gifts from friends, considered the liberties of the country in danger from his administration, and thought that his tyranny was not concealed by the gloved hand. He seemed to have nursed his wrath during the six years he had passed in private life, and to have aspired to the Senate simply for the revival of animosities and for the renewal of controversies with those for whom he cherished special hatred.

The impression made upon the Senate and upon the country by Mr. Johnson's speech was unpleasant. His anger, peculiarly unbecoming his years and his station, was directed especially against the men who would not follow him in his desertion of the party which

had elevated him to power. At least twice before, in the history of the Federal Government, it had been demonstrated that a President who for any cause runs counter to the views and wishes of the party that elected him is doomed to disappointment, and is fortunate if he escape disgrace. Mr. Johnson had drunk the cup of humiliation to its dregs, and the remaining energies of his life seemed now devoted to the punishment, or at least the denunciation, of those who had obstructed and defeated his policies while President. Revenge is always an ignoble motive, pardonable, if at all, when inspired by the hot blood of youth, but to be regarded as not only lamentable but pitiable in men who approach threescore and ten. The extra session closed on the 24th of March. Mr. Johnson did not live to resume his seat. On the last day of the ensuing July (1875) he died peacefully at his home in East Tennessee among friends who had watched his progress from poverty and illiteracy to the highest position in the Republic. He was in the sixty-seventh year of his age.

The annual message of the President contained no reference to the condition of the South. The stringent and persistent prosecution in the United States courts of members of the organized bands of Ku-Klux had tended to dissolve that organization and to restrain its members from the commission of such outrages as had distinguished the earlier period of their existence. There was hope in the minds of sanguine people of the North that an era of peace and harmony had begun in the South, which would be characterized by a fair recognition of the rights of all the population, that free suffrage would be protected, that the hand of violence would be stayed, and that the Centennial year would find every State of the Republic in the enjoyment of material prosperity, of the fair administration of the law, of the enforcement of equal rights.

No body of men rejoiced over this prospect more heartily than Republican senators and representatives, for if it should prove true they would have cause of gratulation both as patriots and partisans. The complete pacification of the country on the basis of equal and exact justice was the leading desire of all right-minded men, and the free suffrage which this implied would give to the Republicans the opportunity for a fair trial of strength in the advocacy of their principles before the Southern people. The picture was one which would

well adorn the great National anniversary so near at hand, but many men feared that it was a picture only and not a reality.

An occasion arose four weeks after the delivery of the President's message, to test the real feelings of the House concerning the Southern question. Mr. Randall of Pennsylvania introduced a bill removing the political disabilities from every person in the United States. Since the broad Act of Amnesty in 1872, which excepted only a few classes from its operation, a considerable number of Southern gentlemen had been relieved upon individual application; but the mass of those excepted were still under the disability. The disposition of the Republicans was to grant without hesitation an amnesty almost universal, the exceptions, with a majority of the party probably, being limited to three persons, — Jefferson Davis, Robert Toombs, and Jacob Thompson. Mr. Randall brought his bill to a vote on the 10th of January, 1876. By the Constitution it required a vote of two-thirds, but fell short of the number, the *ayes* being 175, the *noes* 97. The negative vote was wholly Republican; while the affirmative vote included all the Democratic members together with a small number of Republicans.

Mr. Blaine moved to amend by excepting Jefferson Davis from the benefits of the bill. The situation was peculiar. Upon a direct vote, if the amendment were submitted, very few Republicans could be found who would include Mr. Davis by name in the amnesty; and there was a large number of Democrats who wished to be saved from the embarrassment implied in such a procedure. They appreciated the difference between voting for a bill of general amnesty which included Jefferson Davis without name, and voting for an amendment which named him and him only for restoration to eligibility to any office under the Government of the United States. No punishment was inflicted upon Mr. Davis; no confiscation of his property was attempted or desired; Congress did not wish to deny him the right of suffrage. He was simply deprived of the right to aspire to the honors of the Republic. The Democrats being a majority of the House could prevent the amendment of the bill, and the Republicans being more than one-third could prevent the passage of the bill. It was a singular case of playing at parliamentary cross-purposes, and afforded the ground, as it proved in the end, for a prolonged and somewhat exciting discussion.

The reason assigned for excepting Jefferson Davis was not that he had been a rebel, for rebels were restored by thousands; not that

he had been in Congress, for Southern Congressmen were restored by scores if not by hundreds; not that he had been the chief of the revolutionary government, for that would only be a difference of degree in an offense in which all had shared. The point of objection was that Mr. Davis, with the supreme power of the Confederacy in his hands, both military and civil, had permitted extraordinary cruelties to be inflicted upon prisoners of war. He was held to be legally and morally responsible, in that, being able to prevent the horrors of Andersonville prison, he did not prevent them.

The debate took a somewhat wide range, engaging Mr. Blaine and General Garfield as the leading participants on the Republican side, and Benjamin H. Hill, Mr. Randall, and Mr. Cox on the Democratic side. Upon a second effort to pass the bill with an amendment requiring an oath of loyalty as a prerequisite to removal of disabilities, it failed to secure the necessary two-thirds, the *ayes* being 184, the *noes* 97. All that the Republicans demanded was a vote on the exclusion of Jefferson Davis, and this was steadily refused. Many gentlemen of the South are still under disability because of the parliamentary tactics pursued by the Democratic party of the House of Representatives at that time. If a vote had been allowed on Jefferson Davis, his name would have been rejected, and the bill, which included even Robert Toombs and Jacob Thompson, would have been passed without delay. If Mr. Davis thought that he was ungenerously treated by the Republicans, he must have found ample compensation in the conduct of both Southern and Northern Democrats, who kept seven hundred prominent supporters of the rebellion under disability for the simple and only reason that the Ex-President of the Confederacy could not share in the clemency.

CHAPTER XXIV.

THE PUBLIC CREDIT. — FIRST LAW ENACTED UNDER PRESIDENT GRANT. — DEMOCRATIC OPPOSITION. — THURMAN, GARRETT DAVIS, BAYARD. — PRESIDENT GRANT'S FIRST MESSAGE. — FUNDING BILLS DISCUSSED. — ACTION OF BOTH HOUSES. — DEBATES. — FURTHER REDUCTION OF REVENUE. — PREMIUM ON GOLD. — MEETING OF FORTY-SECOND CONGRESS. — FINANCIAL DEBATES. — FINANCIAL PANIC OF 1873. — FORTY-THIRD CONGRESS MEETS. — PRESIDENT GRANT'S POSITION. — ABOLITION OF MOIETIES. — SPECIE PAYMENTS. — RESUMPTION ACT. — SPECIAL MESSAGE OF THE PRESIDENT. — ADMISSION OF COLORADO. — DEATH OF SPEAKER KERR. — SAMUEL J. RANDALL HIS SUCCESSOR.

THE course of President Grant's Administration in regard to the Finances had proved in all respects successful. The first bill which received his signature was the Act "to strengthen the public credit," approved March 18, 1869. It pledged the Government to the payment in coin, or its equivalent, of all obligations, notes, and bonds, except those where the law authorizing the issue stipulated that payment might be made in "lawful money," which simply meant legal-tender notes. The demand for this declaratory Act arose from a desire to undo the evil which had been caused by the resolution of the Democratic party in the preceding Presidential election in favor of paying all public debts in paper, except where coin was specifically named in the law. The position of each party was therefore precisely the reverse of the other: the Republicans held the normal law of payment of Government obligations to be in coin, unless payment in paper money had been previously agreed upon; the Democrats held that all Government obligations might be discharged in paper, unless payment in coin had been previously agreed upon. This was the division line in the Presidential canvass of 1868, and it was the division line among parties in the Forty-first Congress. In the House, where the Act had been reported by General Schenck, the vote on its passage was 98 *ayes* to 47 *noes*. No Democrat voted in the affirmative. A few Republicans, under the lead of General Butler, voted in the negative.

When the Act was reported to the Senate, Mr. Thurman offered an amendment declaring that "nothing in this Act shall apply to the obligations commonly called Five-twenty bonds." This would reserve three-fourths of the bonded debt from the operation of the law, and would effectually defeat its object. Every Democrat in the Senate who voted on the question, voted in favor of Mr. Thurman's amendment. Mr. Morton of Indiana and one or two other Republican senators voted with the Democrats, but the amendment was defeated by a decisive vote.

— Mr. Garrett Davis offered an amendment, "that the just and equitable measure of the obligation of the United States upon their outstanding bonds, is the value at the time in gold and silver coin of the paper currency advanced and paid to the Government on those bonds." Mr. Davis argued earnestly in favor of his amendment. He declared it to be "robbery and iniquity for this Congress to make the people of the United States pay nearly $900,000,000 more than by law and equity they are bound to pay."

— Mr. Bayard seconded the arguments of Mr. Davis. "Suppose, instead of issuing paper money," said Mr. Bayard, "it had pleased Congress to order a debasement of our National coinage. Suppose twenty-five per cent more of alloy or worthless metal had been interjected into our currency, and with that base coinage men had come forward to buy your bonds, what would be thought of the man who, when the day of payment of those bonds arrived, should say, 'I gave you lead, or lead in certain proportions; but for all the worthless metal I handed you, you must give me back pure gold'? Whether he was more maddened or more dishonest would be the only question arising in men's minds." Mr. Bayard used this analogy to illustrate the wrong of paying the bonds of the Government in coin, and expressed the belief that the debasing of the coinage would have been "far more Constitutional and right than the power which Congress exercised when they issued paper money."

When President Grant sent his first annual message to Congress (December, 1869), the National debt, less cash in the Treasury, amounted to $2,453,559,735, the cash being $194,674,947. The aggregate obligations bearing interest in coin had risen to $2,107,938,000; while the three per cent certificates and the Navy pension-fund, which alone carried interest in currency, amounted to $61,195,000. The debt bearing no interest, composed of old demand-notes, legal-tenders, fractional currency, and certificates for gold deposited, had

fallen to $431,861,763. The seven-thirty notes had disappeared from the financial statement, and the bonds authorized by the Act of March 3, 1865, amounted to $958,455,700. The rate of interest on the bonds still stood at six per cent, except on the old debt of 1858 and 1860, and upon $194,567,300 of the ten-forties issued under the Act of March 3, 1864. One of the chief recommendations in the President's message was the refunding of the debt in bonds, with interest not exceeding four and a half per cent. He urged legislation for redeeming the legal-tenders at their market value, at the option of the holder, increasing the rate from day to day or week to week. He believed "that immediate resumption, even if practicable, would not be desirable," but that "a return to a specie basis should be commenced immediately." He expressed the belief that the revenue might be at once reduced $60,000,000 or possibly $80,000,000 a year. In connection with this feature of the message, Secretary Boutwell submitted a well-matured plan for funding the debt and expressed entire confidence in its success.

The result was the refunding Act of July 14, 1870. It was a broad and effective measure. It was subsequently modified by the Act of Jan. 20, 1871, permitting the payment of interest quarterly, and increasing the amount of bonds bearing five per cent interest. The two laws for purposes of refunding, taken together, authorized the issue of $500,000,000 at five per cent, $300,000,000 at four and a half per cent, and $1,000,000,000, at four per cent, — all to be payable in coin, to be exempt from taxation, and to be issued without any increase of the debt. The fives were redeemable after ten years, the four-and-a-halfs after fifteen years, the fours after thirty years. The laws were not enacted without considerable legislative controversy. The exemption from taxation and the payment in coin were stubbornly though unsuccessfully resisted. A proposition to state the interest in sterling money and in francs, as well as in dollars, so that the bonds might be more easily negotiated abroad, was vigorously pressed, but was happily defeated.

Further reduction of the revenue was effected by the Act of July 4, 1870. There was an earnest effort to repeal the income tax, but it was retained for the year, and was to terminate at the end of 1871. The duties on tea, coffee, sugar, and some articles of iron and steel, were diminished. In presenting the conference report Mr. Schenck estimated that the reduction in customs charges by the Bill would be $27,000,000, and in the internal taxes more than

$50,000,000. Many persons feared that the reduction of taxes was too rapid, but it was impossible to resist a movement so popular as the removal of the burdens left by the war. Under such a pressure it was probable that Congress might not have sufficient regard to the prospective needs of the Government.

The condition of trade, wise legislation, and the hope of refunding the debt with rapid reduction of interest, were producing beneficent results; but the expectations of the Secretary of the Treasury in regard to the prompt sale of the new bonds were rudely shocked by the war between France and Germany, which was declared immediately after Congress had clothed him with enlarged powers. At home, as well as in Europe, the money markets were so far disturbed that prudence forbade immediate action. After a necessary postponement and careful preparation Mr. Boutwell gave notice that on March 6, 1871, books would be opened in this country and in Europe for subscriptions to the bonds. Preference was awarded to subscribers for the five per cents within the limit of $200,000,000. On the anniversary of the passage of the Act, July 14, 1871, a proposition came from a syndicate of London bankers to take the whole amount of the five per cents. The National banks, with a few individuals in this country, subscribed for $117,518,950, and the residue was conceded to the foreign syndicate.

The leading arguments in the House for the policy of refunding were made by Mr. Dawes and by Mr. Ellis H. Roberts. The gain to the Government, as they proved, would be obvious and great. If the new bonds were exchanged for the whole amount of six per cents already issued, and were to run only till the time of redemption, the saving, without compounding interest, would amount to an enormous aggregate, certainly exceeding $600,000,000. The country was therefore disappointed that events beyond the sea had for a time suspended the operations of funding, and compelled the Treasury to maintain its high rate of interest. The suspension was not due to the neglect or mismanagement of any executive officer, or to lack of foresight on the part of Congress in providing the requisite legislation. It was simply a case in which the money market for the time prevented the Secretary of the Treasury from accomplishing any large proportion of the total funding operations contemplated by the Government.

When the Forty-second Congress met in December, 1871, the gold premium was 110⅛ @ 110⅜. The funding process was in its early stages. Specie was going to Europe at the rate of $66,000,000 per annum, and the balance of trade for that fiscal year was running against the United States to the amount of $183,000,000. It was a period of financial theories. The prejudice against National banks seemed to increase, and the *fiat* of a Government so rich and powerful as that of the United States would, it was maintained, suffice to make all the notes it might put out available for money, and the volume ought to be abundant enough to stimulate every nerve of production and trade.

Against such appeals the more conservative sentiment of the country held that honor and safety demanded the redemption of the United-States notes in coin at the earliest practicable day. The steps proposed to this end were extreme and therefore unwise. A large number of financiers urged the repeal of the legal-tender clause, the funding of the notes into bonds with some limitations, and further contraction of their volume by direct withdrawal. The argument was presented that if a man could not pay his overdue note he would deem it a privilege to give a new obligation to run on interest for a longer period, and the Nation ought to prove itself as honest as its citizens. This specious plea assumed that the legal-tender note was simply a promise to pay, with only the qualities of an individual obligation. It neglected to consider its different and essential character as a circulating medium. The advocates of the repeal of the legal-tender clause included many able lawyers, who however did not meet the objection that this clause was an element in the value of the currency, only less important than that of positive redemption. Nor did they seem to perceive that the abrogation of this feature in the contract between the Government and the note-holders would lead to confusion and distress in commercial circles, and would violate the obligations of common honesty.

The debate went on in Congress and in the press, but no general scheme of legislation could be agreed upon. Congress took up the tariff and the internal revenue, and passed the Acts of March 5, May 1, and June 6, 1872. By the first Act, all internal taxes were removed from fish, fruits, and meats. By the second, all duties on tea and coffee were absolutely removed after the first day of the ensuing July, reducing the revenue by this single Act to the extent of $20,000,000 per annum. The last Act (June 6) made a reduction

of ten per cent in the customs duties on all importations of cotton, wool, iron, steel, paper, rubber, glass, and leather, with a number of specific changes in the tariff, and a large addition to the free list. The effect of the three Acts upon the revenue of the Government was a diminution of $44,000,000 in custom receipts and $20,650,000 in internal taxes. The machinery for collecting the internal revenue was greatly simplified and improved. A proposition introduced by Mr. Clinton L. Merriam of New York proved to be of great convenience and safety to the National banks. It permitted the Secretary of the Treasury to issue certificates of deposit in denominations of $5,000 without interest, in exchange for notes, and these certificates became available for the reserves of the banks and for settlements of clearing-house balances.

The Forty-third Congress met in a period of discouragement and disaster. The financial panic which swept over New York in the preceding September (1873) was followed by deep depression throughout the country. Wrecks of business enterprises were everywhere visible, the financial markets of the world were disturbed and alarmed, doubt and hesitation filled the minds of senators and representatives. A black flag seemed to overhang the finances of the Government as well as of individuals. Plans for funding the public debt were checked, the movement for resumption was weakened. The situation gave fresh arguments to the champions of the *fiat* dollar. It affected commerce and diminished the revenue by arresting production and by reducing imports. The division of opinion among senators and representatives was very pronounced, as was shown in the bills introduced, in the amendments submitted, and still more significantly in the debates upon the President's message. The first definite action was upon a currency bill introduced in the Senate. As reported from the Finance Committee, the first section fixed the maximum limit of United-States notes at $382,000,000. The limit was raised to $400,000,000 on motion of Mr. Wright of Iowa, and the Senate refused to allow any clause for future reduction. This was $44,000,000 beyond the amount of legal-tender notes then in circulation. An enlargement of the circulation of the National banks was made at the same time, by which in connection with the greenbacks there might be an addition of $100,000,000 to

the paper currency of the country. The two Houses differed as to details, but soon agreed upon a bill containing the general provisions proposed in the Senate.

This action of Congress followed an earnest popular demand, resulting from the distrust which had become so general in consequence of the panic. A large proportion of the business men, especially in the West and South-West, believed that an increased circulation of notes would bring great relief. At the beginning of the session of Congress, President Grant had clearly intimated that he had come to the same conclusion. He said in his annual message: "In view of the great actual contraction that has taken place in the currency, and the comparative contraction continuously going on, due to the increase of manufactures and all the industries, *I do not believe there is too much of it now for the dullest period of the year.* Indeed, if clearing-houses should be established, thus forcing redemption, it is a question for your consideration whether banking should not be made free, retaining all the safeguards now required to secure bill-holders." But nearly five months had elapsed since the President had expressed these views, and during that time he had come to more conservative conclusions, and he now vetoed the bill, which did not seem so radical in its provisions as his own recommendation had been. To make National banking free before compelling the banks to redeem their notes in coin, would have proved a measureless inflation, and the President wisely receded from the position assumed in his annual message.

An important Act, changing the Customs laws, was reported from the Committee on Ways and Means by Mr. Ellis H. Roberts, who had made the investigation which led to it with great care and sagacity. It received the assent of both branches, though some amendments were added to it in the Senate. It was radical in its nature. It changed methods which had prevailed from the foundation of the Government, and it has withstood all criticism since its enactment. Instead of moieties and perquisites theretofore allowed to customs officers in the chief cities for the detection of frauds upon the revenue, specific salaries were established; and the modes of procedure against violators of the law were more clearly defined, and made more efficient.

The various propositions in this Congress fairly illustrate the conflicting views on financial matters held among the people. The business depression continued. The country looked to Congress for relief, and yet did not agree upon any measure of relief. The party in the majority was held responsible for the condition of industry and trade, and the elections in the autumn of 1874 showed how wide-spread and intense was the dissatisfaction with the existing order of things. The very freedom and breadth of discussion which were essential to secure unity of action were taken as ground of censure, and the failure to provide for a return to specie payment was brought as an indictment against the majority in Congress by those who had shown the least faith in the National credit and the least regard for the National honor.

For the first time since the organization of the Republican party and its accession to power in the Union, an opposition majority was elected to the House of Representatives. The Republican leaders took warning, and agreed that before losing control of the lower House they would secure the passage of an Act for the resumption of specie payment. President Grant and Secretary Bristow were earnest in recommending a measure of that character. Personal conferences to compare views, to consolidate Republican opinion, and to induce harmony of action were held early in the second session of the Forty-third Congress. Concessions were made, a middle ground was secured, and a measure was finally perfected. The long discussion had demonstrated the difficulties of the situation. But public necessity and party interest combined to induce a sacrifice of financial theories in order that practical results might be achieved.

The bill reported to the Senate by Mr. Sherman on the 21st of December (1874) embodied the conclusions which had been reached in private conferences. The next day he gave notice that he would press it to an immediate vote. Mr. Thurman and Mr. Schurz spoke of it as a party measure agreed upon in caucus. The former argued at some length against the bill. The latter stated that "with the present volume of currency it is impossible to resume and maintain redemption," and he sought unsuccessfully to secure the cancellation of legal-tender notes at the rate of $2,000,000 per month. Mr. Bayard charged that the bill was rather adverse than favorable to resumption. The Senate passed the bill on the same day by a vote of 32 to 14. Not a single Democratic member of the Senate supported it. The negative vote was Democratic, with the exception of Sprague of Rhode Island and Tipton of Nebraska.

The House did not consider the bill until the 7th of January, directly after the holidays. It was then passed by 125 *ayes* to 106 *noes*, a much closer vote than had been anticipated. The Democrats were unanimous against it, and were strengthened by the accession of some twenty Republicans. These were of two classes. Judge Kelley stood as the representative of one, deeming it unwise and premature to force specie payment at that time; the other class was represented by Mr. Dawes and the Messrs. Hoar of Massachusetts, General Hawley of Connecticut, and some others from New England, who thought the measure that came from the Senate was incomplete, in that it did not provide for specie payment soon enough, or take means sufficiently energetic to secure it at the date named. With these exceptions the Act was a Republican measure, unanimously opposed by the Democratic party.

In approving the Act President Grant took the somewhat unusual step of sending to the Senate a special message. While declaring the measure a subject of congratulation, he suggested further legislation to make it more effective. His recommendations included first an increase of the revenue; second the redemption of legal-tender notes in coin, reckoned at a premium of ten per cent in the beginning and gradually diminishing until the date named in the Act for resumption; third an addition to the facilities for coinage, in one or more of the Western cities, so as to save to the miner the cost of transporting bullion to the principal mint at Philadelphia. Congress responded only to the first of the President's recommendations.

The policy of increasing the revenue became the subject of earnest discussion for the remainder of the Forty-third Congress. The rapid repeal of taxes, in which each session of Congress had vied with the one preceding it for a series of years, had produced its legitimate result in an impending deficiency in the Treasury. This was now remedied by the Act approved March 3, 1875, to protect the sinking-fund and provide for the exigencies of the Government. This Act repealed the provision for a reduction of ten per cent in certain customs duties under the Act of June 6, 1872, which had really been passed without full consideration or due appreciation of its probable effect. The Act also increased the duties on sugars and certain other articles, raised the tax on spirits from 70 to 90 cents a gallon, and on tobacco from 20 to 24 cents per pound, and modified in many respects the regulations concerning the collection of revenue from these products.

Such was the action as originally devised for resumption of specie payment. The most remarkable feature of the bill to that end was the promptness with which it was passed, after the long period of preparatory debate in both Houses of Congress on the subject. Nearly ten years had elapsed since the war closed, and although the subject was one which constantly engaged the attention of financiers and to a large extent enlisted the interest of the public, it had never been framed into a practical legislative measure. It had now been accomplished, as might well be said, in a day. The pressure upon the Republicans, caused by the Democratic victory of the preceding autumn, was very great. The Democratic senators and representatives, though recording themselves unanimously in opposition to the measure, were not willing to risk its defeat by the parliamentary strategy of delay, as they might easily have done. Their party leaders had no faith in the measure, but they knew how troublesome was the subject; they knew that it had proved the stumbling-block in the Republican policy for years, and they were more than willing that it should be taken out of the way on the eve of their accession to the control of the House of Representatives. If the Act should prove to be successful their hostility to it might be forgotten and they could well arraign their opponents for so long neglecting to enact it. If on the other hand it should prove unsuccessful, it would remain a standing reproach to the financial policy of the Republican party. Benefits as they well knew are soon forgotten, while injuries are tenaciously remembered; and this they believed was as true of parties as of persons. In short, as the leaders of the Democracy viewed it, the Resumption Act, passed over their combined vote, could do them no harm, while the chances were that it would inure to their advantage.

The Territory of Colorado, which was prevented by Andrew Johnson from entering the Union in 1866, was now, after the lapse of ten years, admitted as a State under a bill approved by General Grant in the closing year of his Presidency. The Territory had in the long interval developed great wealth in the precious metals, in rich deposits of iron and coal, and most surprising of all, in its agricultural resources. The two senators, Jerome B. Chaffee and Henry M. Teller, were kinsmen and were among the pioneers of the

Territory who had been deeply concerned in its progress and development. Mr. Chaffee had represented the Territory in Congress for the six years immediately preceding its admission as a State, and had worked with energy and success for the interest of his constituents. He was somewhat impaired in health when he took his seat in the Senate, and did not desire to remain in public life. Mr. Teller continued in the Senate for a longer period, and acquired political leadership in his State.

Michael C. Kerr, who was elected Speaker of the Forty-fourth Congress, was prevented by ill-health from presiding for any considerable length of time. Owing to marked symptoms of pulmonary disease he was warned by friends that he should not accept a position so laborious and so exhausting as the Speakership. It was beyond his strength. He died during the Congressional recess on the 19th of August, 1876, in the fiftieth year of his age. At the meeting of Congress in the following December, Samuel J. Randall of Pennsylvania (who had been Mr. Kerr's competitor in the Democratic caucus) was chosen Speaker. He had represented a Philadelphia district for thirteen years and had acquired a thorough knowledge of the rules and methods of the House. He is a strong partisan, with many elements of leadership. He is fair-minded towards his political opponents, generous to his friends, makes no compromise with enemies, never neglects his public duties, and never forgets the interests of the Democratic party.

CHAPTER XXV.

Presidential Election of 1876. — Republican Candidates for Nomination. — Convention at Cincinnati, June 14, 1876. — Republican Platform. — Balloting. — Nomination of Hayes and Wheeler. — Democratic National Convention. — Samuel J. Tilden the Principal Candidate. — His Career. — Other Democratic Candidates. — Tilden and Hendricks nominated. — Democratic Platform. — The Canvass. — The Result. — Doubtful States. — Popular Excitement. — Dispute in Louisiana, Florida, South Carolina. — President Grant's Course. — A Portentous Question. — Electoral Commission. — Members. — Questions before them. — Decision. — Hayes and Wheeler elected. — Subsequent Investigation. — Potter Committee. — Discovery of Telegrams. — Attempts at Bribery in the South.

BETWEEN 1860 and 1876 the Presidential nominations of the Republican party had been predetermined and practically unopposed. The second nomination of Mr. Lincoln and the two nominations of General Grant were so unmistakably dictated by public opinion that they came without a contest. In 1876, for the first time since the Republican party had acquired National power, the candidate was not selected in advance, and the National Convention met to make a choice, not simply to register a popular decree. This freedom of action imparted a personal interest to the preliminary canvass and a struggle in the Convention itself, which previous nominations had lacked. The public excitement was enhanced by the close and doubtful balance between the two parties. For the first time since its original success, the power of the Republican party had been seriously broken in 1874. The war and reconstruction periods were receding, and with the lessening stress of their demands, the popular conviction of the necessity of Republican rule was losing much of its force. New questions were pressing forward, and parties were largely judged by these later tests.

The open field and free choice on the Republican side developed several competitors for the nomination. — Senator Morton of Indiana naturally held a prominent place. His ability, his party devotion, his fearless services as the War Governor of a State which was disturbed

with tumult and sedition, his conspicuous part in the Reconstruction contests in the Senate, all marked him as entitled to great consideration.

— Senator Conkling was earnestly sustained by the Republican organization of New York, of which he was then the undisputed chief. His friends went to the National Convention with the power of the largest delegation and with the influence of the most important State. He had the additional aid of the good will and good wishes of President Grant.

— Mr. Bristow of Kentucky was also a candidate. As Secretary of the Treasury he had been zealous in pushing investigation and prosecution of the whiskey frauds then rife. His mode of procedure created the impression that he was acting independently of the Administration of which he was a part, if not in studied conflict with it, and this demonstration, while objectionable to many, commended him to a considerable body of Republicans who were inclined on that account to associate him with the growing cry for administrative reform. He had the advantage also of strong local influence. He came from a State adjoining the city where the Convention was to be held, and through the newspapers the surrounding atmosphere was colored in his favor.

— But Ohio, which has long held a prominent part in shaping the National counsels, had a candidate more distinctively her own. Rutherford B. Hayes had been chosen Governor the preceding year under circumstances which attested his popular strength. In 1873 the Democrats had elected the venerable William Allen, and had won a still more emphatic victory the following year in choosing members of the House of Representatives. In 1875 the Republicans put forward General Hayes to defeat Mr. Allen and reclaim the State, and his success vindicated the wisdom of their choice. He had already served two terms as Governor, and was regarded as a safe and judicious executive. He was entirely free from factional entanglements, and was considered by many wise political leaders to be a peculiarly available candidate.

— The delegates from Pennsylvania, like those from Ohio, presented their Governor as a candidate. But worthy as General Hartranft was conceded to be, the circumstances surrounding the movement for him inspired the general belief that he was brought forward less with the expectation of a serious effort on his behalf than for the purpose of making his candidacy the means of holding the delegation in hand.

— The only other candidate who had an active support was Mr. Blaine of Maine.

The National Convention met at Cincinnati on the 14th of June and became at once the centre of popular attention. Among the delegates were many men of position and influence in their respective States, and some with national reputation. Massachusetts sent E. Rockwood Hoar, George F. Hoar, Richard A. Dana, jun., and James Russell Lowell. Among the Maine delegates were Eugene Hale, William P. Frye, Nelson Dingley, jun., Charles A. Boutelle, and Seth L. Milliken. General Hawley and Samuel Fessenden came from Connecticut, and Governor Van Zandt and Nelson W. Aldrich from Rhode Island. New York had a strong representation, including Alonzo B. Cornell, Theodore M. Pomeroy, James N. Matthews of the *Buffalo Express*, George William Curtis, Stewart L. Woodford, Clarence A. Seward, William H. Robertson, Charles Emory Smith, then editor of the *Albany Journal*, Frank Hiscock, and Thomas C. Platt. The Ohio delegation was led by the venerable Senator Wade and by Governor Noyes. J. Donald Cameron, then Secretary of War, Henry M. Hoyt, afterwards Governor, General Bingham, John Cessna, and Edward McPherson, appeared at the head of the Pennsylvania forces.

Among other notable delegates were Robert G. Ingersoll and Charles B. Farwell of Illinois; Richard W. Thompson of Indiana; Judge Harlan, later of the Supreme Court, and Ex-Attorney-General Speed of Kentucky; Governor Packard and Senator Kellogg of Louisiana; Henry P. Baldwin and William A. Howard of Michigan; William J. Sewall, George A. Halsey, Garrett A. Hobart, and Frederick Potts of New Jersey; Alexander Ramsey and Dwight M. Sabin of Minnesota; John P. Jones of Nevada; Nathan Goff, jun., of West Virginia; Philetus Sawyer of Wisconsin; Jerome B. Chaffee and Henry M. Teller of Colorado, — all of whom were then or at a later period prominent in the public councils. Theodore M. Pomeroy of New York was made temporary chairman of the Convention, and Edward McPherson of Pennsylvania permanent president. The first day was chiefly occupied with political addresses.

The report of the committee on resolutions was looked for with especial interest. The exigent political issue of the hour was the Currency question. Congress had the year before passed the Resumption Act providing for a return to specie payments in 1879. While there was no serious conflict among Republicans over the general policy, there were differences of opinion as to the wisdom of

explicitly endorsing the act with its designation of time and its obligation of immediate preparatory measures. A long struggle took place in the committee on these points and on cognate questions. After a protracted debate the whole subject of framing the platform was entrusted to a sub-committee, composed of General Hawley, Ex-Attorney-General Speed, Governor Dingley of Maine, Governor Chamberlain of South Carolina, James H. Howe of Wisconsin, Governor C. C. Waters of Arkansas, and Charles Emory Smith of New York. Several of these gentlemen possessed experience in the line of duty to which they were assigned. The youngest man of the list, Mr. Emory Smith, then editor of the *Albany Journal*, had for years taken part in preparing the platforms for Republican conventions in New York, and had become distinguished for the skill and felicity of his language, the aptness with which he embodied the popular thought, and the precision with which he described the issue at stake.

The platform reported to the Convention was clear and emphatic upon the leading issues. It improved the occasion of the Centennial year to repeat the cardinal truths and principles of the Declaration of Independence; it recognized the pacification of the South and the protection of all its citizens as a sacred duty; the enforcement of the Constitutional Amendments was enjoined; and the obligation of removing any just cause of discontent was coupled with that of securing to every American citizen complete liberty and exact equality in the exercise of all civil, political, and public rights; the Public Credit Act, the measure first signed by President Grant, was referred to with the declaration that its "pledge must be fulfilled by a continuous and steady progress to specie payments." The platform also embraced a distinct declaration for a radical reform of the civil service, making a broader and more precise enunciation than was contained in the Liberal platform of 1872, though the assigned reason for that revolt, as given by its champions, was the alleged hostility of the Republican party to improvement in the Government service. The Protective policy was upheld; the extirpation of polygamy was demanded; and an investigation into the Chinese question, then beginning to distract California, was recommended.

With the platform adopted, the Convention proceeded at once to the task of nominating candidates. Mr. Thompson of Indiana presented Senator Morton. The name of Mr. Bristow was submitted by Judge Harlan, and supported by Mr. Curtis and Richard H. Dana, jun. Colonel Ingersoll followed in advocacy of Mr. Blaine, with a speech

which placed him at once in the front rank of popular orators. He was seconded by Mr. Frye of Maine, and by Mr. Turner, a well known colored preacher from Georgia. Senator Conkling was eloquently presented by Mr. Stewart L. Woodford; and Governor Hayes by Ex-Governor Noyes, with a few words of approval from Ex-Senator Wade. Marshall Jewell was nominated by Mr. Kellogg of Connecticut; and General Hartranft by Lynn Bartholomew of Pennsylvania. The speeches, as a whole, were pointed and inspiring. Under their stimulating influence the Convention was eager to begin the balloting, but the gathering shades of evening compelled an adjournment to the next morning.

With the opening of the third day the Convention immediately proceeded to the first ballot. The result was: Blaine 285, Morton 124, Bristow 113, Conkling 99, Hayes 61, Hartranft 58, Jewell 11, William A. Wheeler 3. Hartranft's 58 was the solid vote of Pennsylvania; Hayes had the solid 44 of Ohio and a few scattering votes from other States; Conkling had all but one of New York's 70, with 8 from Georgia, 7 from North Carolina, and the remainder scattering; Morton's vote, apart from the 30 of Indiana, came wholly from the South; Bristow's support was divided among nineteen States and one Territory; and Blaine's vote came from twenty-eight States and seven Territories.

The second ballot, taken after the Convention had decided against the unit rule and allowed each delegate to vote as he chose, showed a gain of 11 votes for Blaine, 1 for Bristow, 3 for Hayes, and 5 for Hartranft, with a loss of 4 for Morton and of 6 for Conkling. Jewell had dropped out. The third and fourth ballots proceeded without any material change. On the fifth ballot the solid vote of Michigan was cast for Governor Hayes, and other changes were made which carried his aggregate to 104; while Morton fell to 95. On the sixth ballot the vote for Blaine rose to 308, and that for Hayes to 113, while other candidates lost. When the seventh ballot opened New York retired for consultation on one side of the hall, and Pennsylvania on the other. It was evident that the decisive moment had come. As the roll-call advanced, other candidates were withdrawn and it became a contest between Hayes and Blaine. A large majority of the supporters of Morton, Conkling and Bristow went to Hayes. Pennsylvania gave 28 votes for Hayes and 30 for Blaine. The ballot as concluded stood, Hayes 384, Blaine 351, and Bristow 21. The last named all favored Governor Hayes and his nomination was there-

upon made unanimous. For the Vice-Presidency William A. Wheeler and Stewart L. Woodford of New York, Marshall Jewell and Joseph R. Hawley of Connecticut, and Frederick T. Frelinghuysen of New Jersey, were indicated; but before the close of the first ballot Mr. Wheeler was nominated by acclamation.

The ticket thus presented was a surprise to the country. The candidates like all who are nominated against public expectation, failed to excite enthusiasm in the earlier part of the canvass. But both were regarded as able, judicious, and prudent men, and they steadily grew in public favor as the contest waxed warm. Governor Hayes had not been prominent during his brief service in Congress; but his repeated election over the strongest Democrats of Ohio, and his three terms as Governor, had made an excellent impression on the country. He was especially respected for the firmness and fidelity with which he waged battle for honest money against the financial heresies which had at that time taken deep root in his State. Mr. Wheeler had achieved reputation in Congress as a discreet legislator and a practical man of affairs, and was cordially received by the different factions which at that time divided the Republican party of New York.

The Democratic National Convention assembled at St. Louis two weeks after the nomination of Hayes and Wheeler. The party leaders and managers came together with more hope of success than they had dared to entertain at any period since the beginning of the civil war. The Democratic victories of 1874 had encouraged them with a confidence which the partial re-action of 1875 had not diminished. They were recovering possession of the South; they were profiting from political discontent in the North which they strove in every way to develop; they were gaining in assurance just in proportion as the war feeling was dying out; and they were reaping the usual advantage of the opposition party in a period of financial depression. Learning wisdom from the blundering course of 1868 and the disastrous experiment of 1872, they were now to uplift the banner of pure Democracy under Democracy's most skillful leadership.

Interest in the movement was deepened by the organized and irresistible force with which Mr. Samuel J. Tilden had assumed

leadership and was advancing to the Presidential nomination. Mr. Tilden was in some respects the most striking figure in the Democratic party since Andrew Jackson. Though more than threescore, he had been a conspicuous party chief only three or four years. He had moved forward to unchallenged personal supremacy with a vigor and rapidity which in the political life of the United States had seldom been equaled. His sudden elevation was not the result of accidental circumstances of which he was the fortunate beneficiary. He was the conscious and masterful creator of his position. The sceptre of power in the Democratic party did not drop into his hands; he seized it, and wielded it at his own will. He moulded the conditions which suited his designs, and when the hour was come he assumed the command as of divine right.

But though he thus blazed forth with unexpected brilliancy, his whole life had in fact been a school of preparation. His public career in official position had it is true been limited. He served in the Legislature of 1846 and in the Constitutional Conventions of 1846 and 1867. In both he bestowed especial attention upon the canal policy of the State. He bore a prominent part with Mr. Van Buren in the Barnburners' Revolt of 1848, in which he and some of his associates departed for a brief period from a lifelong pro-slavery record, and rode Free-soil as the stalking-horse of personal resentments and factional designs. He professed devotion to the Wilmot Proviso as earnestly as one of the old Abolitionists, and turned from it as if its advocacy had been the amusement of a summer vacation. He occasionally appeared in National Conventions, and he acted for some years as chairman of the Democratic State Committee of New York. This was the total of his public service until he set forth upon what was the immediate preliminary movement to his Presidential campaign.

But from his earliest manhood he had been a close student of political affairs. He was a devotee of Jackson in his youth, and became one of the ardent disciples of Van Buren, whom he adopted as mentor and model. His earlier political papers are dignified and elevated in tone beyond his years, and show a strong intellect and careful reflection; but they are in the stately and turgid style of the period and lack the decisive and original force of his later productions.

Even when he followed the vigorous Dean Richmond as chairman of the Democratic State Committee, he did not suggest the creative political power which he afterwards revealed. He was regarded

rather as a respectable figure-head. It was on this assumption that he escaped complicity in the notorious election frauds of New York in 1868. His name was appended to the private call for the earliest possible approximate returns from the interior, a call which meant that the authors only wanted a clue to determine how large a majority must be counted in the metropolis to secure the State. Mr. Tilden denied all knowledge of the letter. Without even consulting him, his authority had been appropriated by the "Tweed Ring," just then rising to its colossal power. During the entire period of its profligate ascendency, Mr. Tilden continued as chairman of the State Committee, but he did not share its corrupt counsels or sanction its audacious schemes. The worst reproach which lies against him is that of remaining too long a passive witness. There was no bond of affiliation between him and the vulgar adventurers who had taken the Democratic party and the city of New York by the throat. He had no sympathy with their coarse and reckless measures. Aside from his abhorrence of their riotous corruption every instinct of self-preservation impelled him to desire their overthrow, for while they ruled he had little hope of influence or preferment. When the exposure of their monstrous robberies had opened the way to their downfall, Mr. Tilden grappled with the menaced Ring and helped to complete its destruction. He labored to capture its intrenchments in the Legislature, fought the conspiracy with a non-partisan combination, went to the Assembly himself, co-operated in the legal prosecution, promoted the impeachment of the corrupt judges, and proved a powerful and capable ally in rescuing the State from this shameful domination.

The extermination of the "Tweed Ring" was Mr. Tilden's opportunity. His hour had come: he promptly grasped the party leadership thus left open. Starting out deliberately for the Presidential nomination, his plan embraced three leading features: his stepping-stone was the governorship, his shibboleth was administrative reform, his method was organization to a degree which has never been surpassed. He was swept into the Governor's chair on the crest of the Democratic tidal wave in 1874, and once there every effort was directed to the Presidential succession. He had the sagacity to perceive that in order to gain any solid foothold in the country the Democratic party needed to cut loose from its discredited past and secure a new rallying-cry. It was loaded down with its odious war record; it was divided on fiscal questions; it had fought a losing battle for twelve years on the defensive; and if it was to struggle

with any hope it must discover a line on which it could boldly take the aggressive.

Mr. Tilden fancied that he found this pathway to a new career in the resounding demand for a radical reform of administrative methods, and from the hour of his accession to the governorship he sought to give it effect in reality or in semblance. He had received applause and secured promotion from his aid in the overthrow of the "Tweed Ring," and he now declared war against the affiliated "Canal Ring," whose destruction had already been made sure. The circumstances were peculiarly propitious for his whole movement. The extinguishment of the war debt of the State, already nearly accomplished, would bring an immediate and large reduction of taxes. The amendment to the State Constitution (already passed and just producing its effect) prohibiting any taxation or any appropriation for expenditures on the canals, beyond their revenues, would starve the Canal Ring by cutting off its supply. Mr. Tilden became Governor at the right hour to reap the harvest which others had sown. It is seldom that any administration is signalized by two events so impressive and far-reaching as the crumbling of a formidable and long-intrenched foe to honest administration like the Tweed Ring, and a decrease of the tax budget by nearly one-half. It was Mr. Tilden's rare fortune that his Governorship was coincident with these predetermined and assured results. It would be unjust to deny to him the merit of resisting the canal extortionists and hastening their extinction, but it would be equally untrue not to say that in the work of the reformer he did not forget the shrewd calculations of the partisan. He understood better than any other man the art of appropriating to himself the credit of events which would have come to pass without his agency, and of reforms already planned by his political opponents.

By a fortunate concurrence of conditions which he partly made, and which with signal ability he wholly turned to account, Mr. Tilden thus gained the one commanding position in the Democratic party. He held the most vital State of the North in his grasp. He embodied the one thought which expressed the discontent with Republicanism and the hope of the Democracy. He evinced a power of leadership which no man in his party could rival. The Democracy before his day could count but four chiefs of the first rank — Jefferson, Madison, Jackson, and Van Buren. Mr. Tilden was not indeed a leader of the same class with these masters

who for so long a period shaped the whole thought and policy of their party, but he displayed political capacity of a very high order. He was trained in the school of the famous Albany Regency, and had exhibited much of its ingenuity and power. He placed his reliance both upon ideas and organization. He sought to captivate the popular imagination with a striking thought, and he supported it with the most minute and systematic work. In his own State he discarded all leaders of equal rank with himself, and selected active young men or mere personal followers as his lieutenants. He bore no brother near the throne. In other States he secured strong alliances to promote his interests, and called into existence a National force which was as potent as it was compact.

His political observations covered nearly half a century, and spanned the successive epochs which stretched from the struggle over Nullification to the war of secession and the work of Reconstruction. But through most of this long and stirring era he was engaged in the practice of his profession and the acquisition of wealth. In this work he was peculiarly successful. To the subtlety of an acute legal mind he added the sagacity of a keen business man. He attained especial, indeed almost unrivaled eminence as a corporation lawyer, and thus gained a practice which leads to larger rewards than can be found in other legal fields. While acquiring great reputation he amassed a great fortune, and when at last he entered upon his political career he combined the resources of a full treasury with the arts of an unrivaled manager.

Mr. Tilden has been the subject of vehement and contradictory judgments. His friends have well-nigh canonized him as representing the highest type of public virtue; his foes have painted him as an adept in craft and intrigue. His partisans have held him up as the evangel of a new and purer dispensation; his opponents declare that his ability is marred by selfishness and characterized by cunning. His followers have exalted him as the ablest and most high-minded statesman of the times; his critics have described him as a most artful, astute, and unscrupulous politician. The truth doubtless lies between the two extremes. Adroit, ingenious and wary, skillful to plan and strong to execute, cautious in judgment and vigorous in action, taciturn and mysterious as a rule and yet singularly open and frank on occasions, resting on the old traditions yet leading in new pathways, surprising in the force of his blows and yet leaving a sense of reserved power, Mr. Tilden unquestionably

ranks among the greatest masters of political management that our day has seen. Certain it is that his extraordinary success and his exceptional position had inspired the Democratic party with the conviction that he was the one man to command victory, and he moved forward to the Presidential nomination with a confidence which discouraged his opponents and inspired his supporters with a sense of irresistible strength.

When the Convention assembled a futile attempt was made to organize a movement against Mr. Tilden. His undisguised autocracy in New York had provoked jealousies and enmities which were more imposing in names than in numbers. John Kelly, now the master-spirit of reconstructed Tammany, and esteemed as a man of personal integrity, led an implacable warfare, openly proclaiming that Mr. Tilden's nomination would prove fatal to Democratic success in New York. In this pronounced hostility Mr. Kelly had the avowed approval or the secret sanction of conspicuous Democrats whom Mr. Tilden's absorption of power had thrust into the background. Augustus Schell, chairman of the National Committee, encouraged the opposition; Erastus Corning was on the ground sustaining it; Chief Justice Church and his friends were known to be in sympathy with it. Attempts were made to secure support for Governor Allen of Ohio, for Governor Hendricks of Indiana, and for General Hancock; but no one of these demonstrations, nor all of them combined, could resist the steady set of the current towards Mr. Tilden, and the organization and all the action of the Convention were clearly in the hands of his friends.

The interests of Mr. Tilden were committed to the care of Mr. Dorsheimer, who had left the Republican ranks but four years before. His chief associate was Senator Kernan. The most prominent delegates from other States were William A. Wallace and Samuel J. Randall of Pennsylvania, James R. Doolittle and William F. Vilas of Wisconsin, Judge Abbott of Massachusetts, Daniel W. Voorhees and Governor Williams of Indiana, Leon Abbott of New Jersey, General Thomas Ewing of Ohio, Robert M. McLane of Maryland, John A. McClernand of Illinois, and Henry Watterson of Kentucky. The opening speech of Mr. Augustus Schell, as chairman of the National Committee, was notable only in demanding the repeal of the Resumption Act, a demand which expressed the prevailing Democratic

sentiment, and which was the more significant as coming from one of the most conservative of the Democratic leaders — one who had large financial interests in New York. Mr. Henry Watterson was made temporary chairman, and General John A. McClernand of Illinois permanent president of the Convention.

The platform, reported from the Committee on Resolutions, was believed to have been prepared under the eye of Mr. Tilden, and was clothed, as general rumor had it, in the rhetoric of Mr. Manton Marble. It was the most elaborate paper of the kind ever put forth by a National Convention. It was marked by the language of an indictment, and contained the extended argument of a stump speech. Its one pervading thought, emphasized in resonant phrase, iterating and reiterating, "that reform is necessary," was an additional proof of its origin. But with all its effusiveness of expression, it lacked definiteness in the enunciation of principles. Only two or three propositions upon pending issues were explicitly set forth. It accepted the Constitutional Amendments; denounced "the present tariff levied upon nearly four thousand articles as a masterpiece of injustice, inequality, and false pretense;" demanded that "all custom-house taxation should be only for revenue;" and then addressed itself to a somewhat vituperative arraignment of the Republican party. On the vital question of the currency it charged that party with "enacting hindrances to the resumption of specie payments," adding: "As such a hindrance we denounce the resumption clause of the Act of 1875, and we here demand its repeal." A controversy arose as to whether simply the resumption clause should be repealed or the entire policy condemned; and a discussion upon that question, led by General Ewing on the one side and by Mr. Dorsheimer on the other, was one of the interesting features of the Convention. General Ewing had made a minority report embodying his views, but at the close of the discussion it was defeated by a vote of 550 to 219, and the platform as it had been arranged under Mr. Tilden's eye was adopted.

The presentation of candidates followed. No one entertained a doubt of the result, but Governor Hendricks, Senator Bayard, General Hancock, Joel Parker, and Governor Allen, were formally named by their respective States. Mr. Tilden was effectively presented by Senator Kernan. The first ballot practically decided the contest. Mr. Tilden received 404½, Mr. Hendricks 140½, General Hancock 75, Governor Allen 34, Senator Bayard 33, with 37 scatter-

ing. Mr. Tilden lacked but a few votes of the requisite two-thirds, and before the second ballot was concluded his nomination was declared to be unanimous. The work was completed by the choice of Mr. Hendricks of Indiana for Vice-President. The ticket thus presented was the result of political skill, as it embodied the largest measure of Democratic strength. It united the two States of the North which with a solid vote from the South would control the country. One candidate suited the hard-money element; the other the soft-money element. One aimed to draw recruits; the other to hold the old-time Democrats.

Mr. Tilden's letter of acceptance was directed chiefly to the state of the currency and to the conditions and methods of resuming specie payments. He had no sympathy with the soft-money ideas which dominated so large a section of his party, but he was constrained to support the demand of his own platform for the repeal of the Resumption clause, and he undertook to do it by urging that a system of preparation was all-important, and that the promise of a specific day was of no importance, — forgetting that the Act and the date contemplated and provided preparation. Though the letter was of unusual length it was almost exclusively devoted to these financial questions, and only briefly referred to civil service reform at the conclusion. On that subject his utterances had the same defect of indefiniteness. He described recognized evils, without indicating any practical remedy. Mr. Hayes had been more specific. He had positively declared against the use of official patronage in elections and removed himself from all temptation by giving the voluntary pledge that if elected he would not be a candidate for a second term. Mr. Tilden did not bind himself by any personal pledge, but expressed the "conviction that no reform of the civil service in this country will be complete and permanent until its Chief Magistrate is Constitutionally disqualified for re-election."

The canvass was not marked by striking incidents. Mr. Hayes, who had no inclination for political management, left the conduct of the campaign in the hands of party leaders. It was throughout practically directed by one of the most resolute and competent of men — Zachariah Chandler of Michigan. Mr. Tilden was not an orator, and did not follow the example of Mr. Seymour or Mr. Greeley in going before the people, but skillfully and quietly directed all the movements of the canvass. In spite of his personal fidelity to hard money, the equivocal position of his party was used against

him with great effect. The fact that the Republicans had passed the Resumption measure, and that the Democrats had demanded the repeal of its most important feature, made a clear and sharp issue; and the pronounced record of Mr. Hayes as the leader of the fight against the inflationists in Ohio, emphasized the Republican attitude.

The Southern question, though treated as secondary, came into marked prominence. It was brought forward by the course of events. If the solid South was to constitute the chief pillar of Democratic strength, it would exercise a dominant influence in Democratic councils, and the North might naturally regard the possible consequences of its ascendency with misgiving and alarm. So strong did this feeling grow, that Mr. Tilden was compelled, before the close of the campaign, to put forth a letter pledging himself, in the event of his election, to enforce the Constitutional Amendments and resist Southern claims. But every one understood at the same time that the vote of the recent slave States entered into Mr. Tilden's calculations as necessary to his election. The solid South, New York, Indiana, Connecticut, and New Jersey, and possibly Oregon, was the political power embraced in his calculations.

The October States, Ohio and Indiana (Pennsylvania having ceased to vote in that month), did not indicate a decisive result. Ohio went Republican by 9,000; Indiana went Democratic by 5,000 majority. Benjamin Harrison led the Republican forces in the latter State, and but for some troubles which preceded his nomination, and with which he was in no way connected, would probably have carried the State. Both parties therefore came to the Presidential election in November without confidence as to the result. The reports during the night after the polls had closed led to the general belief that Mr. Tilden had been chosen. He had carried New York, New Jersey, Connecticut, and Indiana, exactly according to his calculations. Had he secured a solid vote in the South? It was widely feared that he had; but very late in the night, or rather very early the next morning, Mr. Chandler, Chairman of the Republican National Committee, received information which convinced him that the Republicans had triumphed in South Carolina, Louisiana, and Florida, and with great confidence he sent over the wires of the Associated Press, too late for many of the morning papers, a telegram which became historic: "Rutherford B. Hayes has received one hundred and eighty-five electoral votes, and is elected."

The Democratic party, and especially its chief, Mr. Tilden, had calculated so confidently upon a solid South that the possible loss of three States was not to be calmly tolerated; yet the States in doubt were those in which Republican victory was from the first possible if not probable. In South Carolina and Louisiana, not only was there a considerable number of white Republicans, but in each State the colored men (who were unanimously Republican) outnumbered all the white men. The disparity in South Carolina was so great that the white population was but 289,000, while the colored population was 415,000. In Florida the two races were nearly equal in number, and owing to a large influx of white settlers from the North the Republicans were in a decided majority. Upon an honest vote a Republican majority in each of the three States was indisputably assured.

Both Republicans and Democrats persisted in claiming a victory in the three States, and as the leaders were positive in their conclusions the masses of each party became greatly excited. Partisan papers were full of threats, and from the South constant rumors indicated a danger of mob violence. The first step towards checking the excitement was the proposition that each party should send a certain number of prominent men to the disputed States to see "a fair count." This was accepted and representative men of both parties were soon present in New Orleans, in Columbia, and in Tallahassee, the capitals of the three disputed States. The Committee of Republicans sent to Louisiana was appointed by the President. Their investigation was very thorough, and their report, made in due form, was transmitted with the accompanying testimony by the President to Congress.

President Grant took precautions against disturbance by strengthening the military forces at the points in the South where violence was most feared; and on the 10th of November, three days after the Presidential election, he sent to General Sherman, commanding the Army, the following memorable dispatch: "Instruct General Augur in Louisiana and General Ruger in Florida to be vigilant with the force at their command to preserve peace and good order, and to see that the proper and legal boards of canvassers are unmolested in the performance of their duties. Should there be any grounds of suspicion of a fraudulent count on either side it should be reported and denounced at once. No man worthy of the office of President should be willing to hold it if counted in or placed there by fraud. Either party can afford to be disappointed in the result. The country

cannot afford to have the result tainted by the suspicion of illegal or false returns."

The result of the contests in the three States, as determined by the legal canvassing boards, gave the electoral votes in each of them to Hayes and Wheeler; and on the 6th day of December, when the electors met in the several States, the result of the count from all the States of the Union showed 185 electors for Hayes and Wheeler, 184 for Tilden and Hendricks. The Democrats had hoped to the last that at least one of the States, or at least one of the electors in the three States, would be returned for Tilden and Hendricks, and when they found that every vote of the three States was counted for Hayes and Wheeler their anger knew no bounds. Threats were openly made that Hayes should never be inaugurated. One fiery editor promised that a hundred thousand Democrats would march to Washington and take possession of the Government in the name of the President whom they claimed to have been duly elected.

President Grant, noticing the condition of the public mind and giving full heed to the possibility of danger, quietly strengthened the military forces in and about Washington, with the intention simply of suppressing disorder, but as excited Democrats declared, with the design of installing Hayes by the aid of the Army of the United States. At no time in General Grant's career did his good judgment, his cool temperament, and his known courage prove more valuable to his countrymen. Every honest man knew that the President's intention was to preserve order and to see that the conflict in regard to the Presidency was settled according to law. To avert the reign of a mob he rightfully took care that the requisite military force should be at the Capital. No greater proof of General Grant's power to command was given, even on the battle-field, than the quieting effect of his measures upon the refractory and dangerous elements that would have been glad to disturb the public peace.

The portentous question which engaged the thoughts of all patriotic men was the count of the electoral votes when the certificates from the several States should be submitted to Congress. By a joint rule, adopted in February, 1865, by the two Houses, preliminary to counting the electoral votes cast at the Presidential election of 1864, it was directed that "no electoral vote objected to shall be counted *except by the concurrent votes of the two Houses.*" This rule necessarily expired with the Congress which adopted it, but it was observed as a regulation (no one raising a question against it) in counting the

electoral votes of 1868 and 1872. Certain Democrats now put forth the untenable claim that a joint rule adopted twelve years before and never renewed should be considered in full force. On the other hand, certain Republicans held that the Vice-President was clothed with the power to open and count the electoral votes and declare the result, the two Houses of Congress being present merely as spectators. According to the first construction it would be necessary only for the House of Representatives, which had a Democratic majority, to reject even one of the three disputed States from the count, and Mr. Tilden would be left with a majority of the electors. According to the second construction, the acting Vice-President, Mr. Ferry, who was a Republican, could count the three States in favor of Mr. Hayes, against the protest of either or both branches, and he would be President-elect.

It was soon found necessary to abandon both pretensions. On the 14th of December the House adopted a resolution (reported from the Judiciary Committee by Mr. Knott of Kentucky, and originally introduced by Mr. McCrary of Iowa) which, recognizing in a preamble that "there are differences of opinion as to the proper mode of counting the electoral votes for President and Vice-President," provided for the appointment of a "committee of seven members, to act in conjunction with any similar committee to be appointed by the Senate, to prepare and report without delay such a measure, either legislative or Constitutional, as may in their judgment be best calculated to accomplish the desired end; and that said committee have leave to report at any time." The Senate on the 18th of December appointed a similar committee empowered to confer and act with the committee of the House of Representatives.[1]

From the two committees acting as one, Mr. Edmunds on the 18th of January (1877) reported a bill "to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon, for the term commencing March 4,

[1] The joint committee respecting the mode of counting the electoral votes consisted of the following members: —

SENATORS: George F. Edmunds of Vermont, F. T. Frelinghuysen of New Jersey, John A. Logan of Illinois, Oliver P. Morton of Indiana, *Allen G. Thurman* of Ohio, *Thomas F. Bayard* of Delaware, and *Matt W. Ransom* of North Carolina.

General Logan was detained in Illinois, and Mr. Conkling was substituted on the committee.

REPRESENTATIVES: *Henry B. Payne* of Ohio, *Eppa Hunton* of Virginia, *Abram S. Hewitt* of New York, *William M. Springer* of Illinois, George W. McCrary of Iowa, George F. Hoar of Massachusetts, and George Willard of Michigan.

1877." Under the regulations of the proposed bill it was agreed that "no electoral vote or votes from any State from which but one return has been received shall be rejected, except by the affirmative vote of the two Houses," in this respect reversing the joint rule of 1865. Where more than one return had been received a reference to an Electoral Commission was provided — the Commission to be composed of five members of the Senate, five members of the House and five justices of the Supreme Court of the United States. When this Electoral Commission should decide any question submitted to it, touching the return from any State, the bill declared that the decision should stand, unless rejected by the concurrent votes of the two Houses. Every member of the Senate and House committees, with the exception of Senator Morton of Indiana, joined in the report. After an elaborate and very able debate the bill was passed in the Senate on the 24th of January by *ayes* 47, *noes* 17. Two days later it passed the House by a large majority, *ayes* 191, *noes* 86.

The mode prescribed in this act for selecting the members of the Electoral Commission was by *viva voce* vote in the Senate and in the House, — it being tacitly agreed that the Senate should appoint three Republicans and two Democrats, and that the House should appoint three Democrats and two Republicans, — each political party in caucus selecting its own men. In regard to the Commissioners to be taken from the Supreme Bench it was ordered that the "Justices assigned to the First, Third, Eighth, and Ninth circuits shall select, in such manner as a majority of them may deem fit, another Associate Justice of the said Court; which five persons shall be members of such Commission." The four Justices thus absolutely appointed were Nathan Clifford, Samuel F. Miller, Stephen J. Field, and William Strong. From the hour when the Electoral Bill was reported to the Senate the assumption was general that the fifth Justice selected for the Commission would be David Davis. It was currently believed that Mr. Abram S. Hewitt had given the assurance or at least strong intimation that Judge Davis would be selected, as one of the arguments to induce Mr. Tilden to support the Electoral Bill.

Originally a Republican, Judge Davis had for some years affiliated with the Democratic party, and had in the late election preferred Mr. Tilden to Mr. Hayes. Without any imputation of improper motives there can hardly be a doubt that the Democrats, in their almost unanimous support of the Electoral Bill, believed that Judge Davis would be selected, and by parity of reasoning the large Republican

opposition to the bill might be attributed to the same cause. But an unlooked-for event disturbed all calculations and expectations. On the 26th of January the House was to vote on the Electoral Bill, and a large majority of the members were committed to its support. To the complete surprise of both parties it happened that Judge Davis was elected senator from Illinois on the preceding afternoon, January 25th. Chosen by the Democratic members of the Legislature, reckoned as a Democratic senator elect, there was an obvious impropriety, which Judge Davis saw as quickly as others, in his being selected; and the four judges unanimously agreed upon Joseph P. Bradley as the fifth judicial member of the Commission.[1]

The Electoral Commission was organized on the thirty-first day of January, 1877. Eminent counsel were in attendance on both sides,[2] and the hearing proceeded with regularity.

The case of Florida was the first adjudicated before the Commission, and the electors supporting Hayes and Wheeler were declared to have been regularly chosen. Only eight of the Commission certified the result — Justices Miller, Strong, and Bradley, Senators Edmunds, Morton, and Frelinghuysen, Representatives Garfield and Hoar — the eight Republicans. It was confirmed by the Senate by a vote of 44 to 24. The House voted against confirming it; but, according to the Electoral law, the decision of the Commission could not be set aside unless both Houses united in an adverse vote. The cases of the two other States, Louisiana and South Carolina, were in like manner decided in favor of the Republican electors.

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[1] The Commission as organized was as follows:—

JUSTICES of the Supreme Court: Nathan Clifford, Samuel F. Miller, Stephen J. Field, William Strong, Joseph P. Bradley.

SENATORS: George F. Edmunds, Oliver P. Morton, Frederick T. Frelinghuysen, Thomas F. Bayard, Allen G. Thurman.

REPRESENTATIVES: Henry B. Payne, Eppa Hunton, Josiah G. Abbott, James A. Garfield, George F. Hoar.

[2] The following counsel attended:—

On the Democratic side: Judge Jeremiah S. Black, Charles O'Connor, John A. Campbell, formerly of the Supreme Court, Lyman Trumbull, Montgomery Blair, Matthew H. Carpenter, Ashbel Green, George Hoadly, Richard T. Merrick, William C. Whitney, Alexander Porter Morse.

On the Republican side: William M. Evarts, Stanley Matthews, E. W. Stoughton, Samuel Shellabarger. In addition to the regular counsel the objectors to any certificate or vote were allowed to be heard by two of their number. Senators Howe, Christiancy, Sherman, McDonald, Sargent, Mitchell, C. W. Jones, Conover and Cooper, together with Representatives Kasson, William Lawrence, David Dudley Field, Tucker, Hurd, McCrary, Hurlbut, Dunnell, Cochrane, Thompson and Woodburn were appointed to this duty.

The complication in Oregon was next decided. As soon as Mr. Tilden's campaign managers began to fear that the electoral votes of the three Southern States might be given to Hayes and Wheeler, they turned their attention to securing an electoral vote elsewhere for Tilden and Hendricks. The plan devised was to find in some Northern State (with a Democratic Governor) an elector who might be disqualified under some technical disability. Oregon seemed to furnish the desired conditions. One of the Republican electors, John W. Watts, was postmaster in a small office, and was therefore declared to be ineligible; and Governor Grover gave the certificate to E. A. Cronin, who had received 1,049 fewer votes than Watts, but who had the largest number of the three Democratic candidates for electors. On the 6th of December, the day appointed for the meeting of the Electors, the two Republican Electors to whom Governor Grover had given certificates (W. H. Odell and J. C. Cartwright) refused to meet with Cronin or recognize him in any way; whereupon the officially certified list of votes and certificates of election were, by Governor Grover's order, delivered to Cronin and withheld from the Electors legally chosen by the voters of the State. The two Electors who had received certificates of their election then obtained a certified copy of the returns, met and elected Watts to fill the vacancy, and then proceeded to cast three votes for Hayes. Cronin thereupon immediately elected to fill the vacancies, two men who had not been voted for at all by the people, organized a fraudulent Electoral College, and went through the farce of casting his own vote for Tilden, while his two confederates (J. N. T. Miller and John Parker) voted for Hayes. The extraordinary and illegal action of Governor Grover had been urged through telegrams by Mr. Abram S. Hewitt, Chairman of the Democratic National Committee and by Mr. Manton Marble, a close personal friend of Mr. Tilden. The Electoral Commission summarily condemned the fraudulent proceeding and gave the three Electoral votes of Oregon to Hayes and Wheeler. The Democratic members of the Commission united with the Republicans in rejecting the factitious votes cast by the men associated with Cronin, but at the same time they voted to deprive Hayes of Watts' vote and to give the vote of Cronin to Tilden.

The proceedings in the Commission and in Congress were not closed until the second day of March (1877). Meanwhile the capital and indeed the country, were filled with sensational and distracting

rumors: First, that the Democratic majority in the House would "filibuster" and destroy the count; second, that they had agreed not to "filibuster" by reason of some arrangement made with Mr. Hayes in regard to future policies in the South. Every mischievous report was spread; and for five weeks the country was kept in a state of uneasiness and alarm, not knowing what a day might bring forth. But in the end the work of the Commission was confirmed; and Mr. Hayes was declared to have been elected by the precise vote which Mr. Chandler, on behalf of the Republican National Committee, claimed the day after the polls closed in November — 185 Republican electors, 184 Democratic electors. It was the first instance in the history of the country where a succession to the Presidency had been disputed. Differences of opinion in regard to the legality and regularity of the election in single States had arisen in more than one Presidential election; but it happened in these cases that the counting of the vote of the disputed States either way would not affect the decision, and therefore no test was made.

The result was undoubtedly a great disappointment to Mr. Tilden, and even greater to his immediate friends and supporters. They at once raised the cry that they had been defrauded, that Mr. Hayes had received title to his office against the law and against the evidence, that he was to occupy a place which the people had voted to confer upon Mr. Tilden. In every form of insinuation and accusation, by almost every Democratic paper in the country, it was affirmed that Mr. Hayes was a fraudulent President. This cry was repeated until the mass of the party believed that they had been made the victims of a conspiracy, and had been entrapped by an Electoral Commission. Yet the first authoritative movement for the committee that reported the Electoral Bill was from a Southern Democrat in the House, and the Electoral Bill itself was supported by an overwhelming number of Democrats in both branches; whereas the joint vote of the Republicans was, by a large majority, against the bill.

The vote of the Democrats in favor of the Electoral Bill, as compared with the Democrats who voted against it in both branches, was in the proportion of more than ten to one; whereas but two-fifths of the Republicans in the two Houses voted for the bill, and three-fifths against it. Only a single Democrat in the Senate, Mr. Eaton

of Connecticut, cast a negative vote; and he acknowledged in doing it that the State Senate of Connecticut, controlled by the Democrats, had requested him to support the bill. All the leading Democrats of the Senate — Mr. Thurman, Mr. Bayard, Mr. Pinkney Whyte — made earnest speeches in favor of it. Mr. McDonald of Indiana declared that the popular sentiment of his State was overwhelmingly in favor of it, and he reproached Mr. Morton for opposing it. Other prominent Republicans in the Senate — Mr. Sherman, Mr. Cameron of Pennsylvania, Mr. Hamlin, Mr. Blaine — earnestly united with Mr. Morton in his opposition to the measure.

The division was the same in the House. Mr. Henry B. Payne of Ohio, Mr. Abram S. Hewitt, Mr. Clarkson N. Potter, Mr. Samuel S. Cox, and nearly all the influential men on the Democratic side, united in supporting the bill; while General Garfield, Mr. Frye, Mr. Kasson, Mr. Hale, Mr. Martin I. Townsend, and the leading Republicans of the House, opposed it. The House was stimulated to action by a memorial presented by Mr. Randall L. Gibson from New Orleans, demanding the passage of the bill; while Governor Vance of North Carolina, afterwards elected senator, telegraphed that the North-Carolina Legislature had almost unanimously passed resolutions in favor of it. The Democrats, therefore, had in a remarkable degree concentrated their influence and their votes in support of the measure.[1] It was fashioned precisely as they desired it. They agreed to every line and every letter. They agreed that a majority of the Commission, constituted as they ordained it should be, might decide these questions, and when the final decision was made they cried out in anger because it was not in Mr. Tilden's favor. One of the ablest judges of the Supreme Court, Joseph P. Bradley, has been made the subject of unmerited censure because he decided the points of law according to his own convictions (sustained by the convictions of Justices Miller and Strong), and not according to the convictions of Justices Clifford and Field.

The Democratic dissatisfaction was instinctive and inevitable.

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[1] The following is an exact statement of the vote on the Electoral Bill in both branches: —

In the Senate	26	Democrats	voted	for	the	Bill	and	1	against it.
" " "	21	Republicans	"	"	"	"	"	16	" "
In the House	160	Democrats	"	"	"	"	"	17	" "
" " "	31	Republicans	"	"	"	"	"	69	" "

In the two Houses jointly, 186 Democrats voted for the Electoral Bill and 18 against it, while 52 Republicans voted for the Bill and 75 against it.

In the very nature of things it is impossible *after an election* to constitute a Commission whose decisions will be accepted by both political organizations as impartial. It is, or it certainly should be, practicable to establish by law, before the election to which it may first apply, a permanent mode of adjudicating disputed points in the return of Presidential votes. Yet with the serious admonition of 1876, Congress has neglected the duty which may well be regarded as the most important and most imperative that can devolve upon it. The government of a Republic is left to all the chances of anarchy so long as there is no mode established by law for determining the election of its Chief Executive officer.

The disappointment of the Democratic masses continued after the inauguration of President Hayes, and it took the form of a demand for an investigation. It was not expected, of course, that any thing could be done to affect the decision of the Electoral Commission, but the friends of Mr. Tilden clamored for an exposure of Republican practices in the Presidential campaign. The Democrats in Congress were less eager for this course than the Democrats outside of Congress. It was understood that personal and urgent requests — one coming from Mr. Tilden himself — were necessary to induce Mr. Clarkson N. Potter to take the lead by offering on the 13th of May, 1878, a resolution for the appointment of a select committee of eleven "to inquire into the alleged false and fraudulent canvass and return of votes by State, county, parish, and precinct officers in the States of Louisiana and Florida, and into all the facts which in the judgment of said committee are connected with or are pertinent thereto." The resolution was adopted, and a committee was appointed, with power to sit during the recess of Congress.[1]

Congress adjourned on the 20th of June, and after a short vacation Mr. Potter's committee entered upon its extensive inquiries. Perhaps with the view of stimulating the Democratic members of the committee to zeal in the performance of their duty, Mr. Manton Marble early in August published a carefully prepared letter on the electoral counting of 1876. Mr. Marble was unsparing in his denunciation of the Republicans for having, as he alleged, obtained the election of Hayes and Wheeler by corruption in the Southern

[1] The following were the members composing the committee: —

Clarkson N. Potter of New York, *William R. Morrison* of Illinois, *Eppa Hunton* of Virginia, *William S. Stenger* of Pennsylvania, *John A. McMahon* of Ohio, *J. C. S. Blackburn* of Kentucky, *William M. Springer* of Illinois, Benjamin F. Butler of Massachusetts, Jacob D. Cox of Ohio, Thomas B. Reed of Maine, Frank Hiscock of New York.

States. He dealt with unction upon the fact that the *absolute trust of Mr. Tilden and his adherents in the Presidential contest had been in moral forces.* As the accusations put forth were attributed to Mr. Tilden, and only the remarkable rhetoric of the letter to Mr. Marble, the public interest was fully aroused, and the threatened exposures impatiently awaited.

The majority of the committee reported, though perhaps with greater elaboration, substantially the same facts and assumptions that had been brought against the Republicans in the Southern States directly after the election, nearly two years before. If any thing new was produced, it was in detail rather than in substance, and undoubtedly showed some of the loose practices to which the character of Southern elections has given rise. Between the violence of the rebel organizers, and the shifts and evasions to which their opponents, both white and colored, have been subjected, the elections in many of those States have undoubtedly been irregular; but the Committee did not establish any fraudulent voting on the part of Republicans. Freely analyzed, indeed, the accusations against the colored voters were in another sense still graver accusations against the white voters. Duplicity is a weapon often employed against tyranny by its victims, and there is always danger that a popular election where law is unfairly administered and violence constantly impending, will bring into play on both sides the worst elements of society.

But all interest in the investigation as it was originally designed, was suddenly diverted by incidents which were wholly unlooked for when Mr. Potter moved his resolution and when Mr. Marble wrote his letter — giving an unexpected conclusion to the grand inquest so impressively heralded.

It happened that during an inquiry into the Oregon case by a Senate Committee, some thirty thousand political telegrams (mainly in cipher) had been brought into the custody of the committee by *subpœnas* to the Western Union Telegraph Company. The great mass of these telegrams were returned to the Company without translation. About seven hundred, however, had been retained by an *employé* of the committee. The re-opening of the Presidential controversy by the Democrats, and especially the offensive letter of Mr. Marble, led to a renewed effort to decipher the reserved telegrams. The translation was accomplished by an able and ingenious gentleman on the editorial staff of the *New-York Tribune* (Mr. William M. Grosvenor), and the result disclosed aston-

ishing attempts at bribery on the part of Democratic agents in South Carolina, Florida, and Oregon. What may have been done of the same character in Louisiana can only be inferred, for no dispatches from that State were found.

The gentlemen who went to Florida in Mr. Tilden's interests were Mr. Manton Marble, Mr. C. W. Woolley, and Mr. John F. Coyle. Mr. Marble's *sobriquet* in the cipher dispatches was *Moses*, Mr. Woolley took the suggestive pseudonym of *Fox*, while Mr. Coyle was known as *Max*. Their joint mission was to secure the Electoral vote of the State, by purchase if need be, not quite as openly, but as directly as if they were negotiating for a cargo of cotton or offering money for an orange-grove. Mr. Marble was alarmed soon after his arrival by finding that the Democratic electors had "only about one hundred majority on certified copies, while the Republicans claimed the same on returns." Growing anxious, he telegraphed on November 22 to Mr. William T. Pelton (a nephew of Mr. Tilden): "Woolley asked me to say let forces be got together immediately for *contingencies* either here or in Louisiana." A few days later Mr. Marble telegraphed: "Have just received a proposition to hand over at any time required, Tilden decision of Board and certificate of Governor, for $200,000." Mr. Pelton thought the "proposition too high," and thereupon Mr. Marble and Mr. Woolley each found that an Elector could be secured for $50,000, and so telegraphed Mr. Pelton. Mr. Pelton, with commendable economy, warned them that he did not wish to pay twice for the same article, and with true commercial caution advised the Florida agents that "they could not draw until the vote of the Elector was received." According to Mr. Woolley the power was received too late, and on the 5th of December Mr. Marble closed the interesting correspondence with these words to Mr. Pelton: "Proposition failed. Finished responsibility as Moses. Last night Woolley found me and said he had nothing, which I knew already. Tell Tilden to saddle Blackstone."

Mr. Smith M. Weed went on a similar errand to South Carolina. He did not attempt to hide behind any disguised name, and simply telegraphed over his own initial. On the 16th of November he informed Mr. Henry Havermeyer, who seemed to be co-operating with Mr. Pelton in New York, that "the Board demand $75,000 for giving us two or three electors," and that "something beyond will be needful for the interceder, perhaps $10,000." At a later hour of the same day

he thought he had made a better bargain, and telegraphed Mr. Havermeyer that "it looks now as though the thing would work at $75,000 for all seven votes." The next day Mr. Weed began to fear the interposition of the court, and advised Mr. Havermeyer to "press otherwheres; for no certainty here, simply a hope." Twenty-four hours later Mr. Weed's confidence revived, and on the 18th he telegraphed, — "Majority of board have been secured. Cost is $80,000, — one parcel to be sent of $65,000; one of $10,000; one of $5,000; all to be in $500 or $1,000 bills, notes to be accepted as parties accept and given up upon votes of South Carolina being given to Tilden's friends. Do this at once and have cash ready to reach Baltimore Sunday night." Mr. Weed then started to Baltimore with the intention of meeting a messenger from New York with the money. Mr. Pelton was there but had not brought the money, and both went to New York to secure it.

Meanwhile the Canvassing Board of South Carolina reported the returns to the court, showing on their face the election of the Hayes Electors, and of a Democratic Legislature which would count the vote for Governor. The Board also reported that the votes of Lawrence and Edgefield Counties ought to be thrown out, which would make a Republican Legislature. On the 22d the court issued an order to the Board to certify the members of the Legislature according to the face of the returns, but to revise and correct the Electoral vote according to the precinct returns. Without receiving this order the Canvassing Board, whose powers expired by statutory limitation on that day, perceiving the purpose of the Court to prevent any count of the Electoral vote, declared and certified the election of the Republican electors, rejected the votes of Lawrence and Edgefield Counties, certified the election of a Republican Legislature, and then adjourned without day.

This result put an end to the plans of Mr. Weed and Mr. Pelton for bribing the Canvassing Board. But their resources were not yet exhausted. On the 4th of December Mr. Pelton offered to furnish $20,000 if it "would secure several electors." This plan also failing, he telegraphed, advising "that the Court under the pending *quo warranto* proceedings should arrest the Electors for contempt, and imprison them separately during Wednesday," the day for casting their votes for President and Vice-President; "for," as he plaintively added, "*all depends on your State.*" Imprisoning "separately" was essential, for if they were imprisoned together they could have cast the Electoral vote.

In Oregon the attempt to bribe was quite as bold as in the two Southern States. Mr. George L. Miller of Omaha, member of the National Democratic Committee for Nebraska, had been requested by Mr. Pelton to go to Oregon, but had sent in his stead one J. N. H. Patrick, who upon his arrival at Portland began an active telegraphic correspondence with Mr. Pelton. On the 28th of November he telegraphed Mr. Pelton that Governor Grover would issue a certificate of election to one Democratic Elector (Cronin), and added, "Must purchase Republican Elector to recognize and act with the Democrat, and secure vote to prevent trouble. Deposit $10,000 to my credit." This telegram was endorsed by Senator Kelly, to whom Mr. Abram S. Hewitt had on the 17th of November telegraphed at San Francisco when on his way to Washington, that circumstances required his immediate return to Oregon to consult Governor Grover. Mr. Pelton replied to Mr. Patrick, "If you will make obligation contingent on result in March, it will be done, and *incremable* slightly if necessary," to which Mr. Patrick responded that the fee could not be made contingent; whereupon the sum of $8,000 was deposited to his credit on the 1st of December, in New York, but intelligence of it reached Oregon too late to carry out any attempt to corrupt a Republican Elector.

As nothing had been known of these extraordinary facts when Mr. Potter moved for the appointment of his investigating committee, the House of Representatives, on the 20th of January, 1879, directed that committee to investigate the cipher telegrams. Before this committee the genuineness of the telegrams and the correctness of the translation by the *Tribune* were abundantly established. Some of the principal persons connected with them appeared before the committee to explain and to excuse. Senator Kelly had previously stated that he endorsed Mr. Patrick's dispatch without knowing its contents, a statement probable in itself and sustained by Mr. Kelly's good reputation. Mr. Marble swore that he transmitted to headquarters information of the opportunities for corruption merely "as danger signals." Mr. Weed admitted and tried to justify his efforts to bribe the South Carolina Canvassing Board. Mr. Pelton admitted all his attempts and took upon himself the full responsibility, saying that if money became actually necessary, he intended to call for it upon Mr. Edward Cooper and the members of the National Democratic Committee. Mr. Cooper swore that he first knew that Mr. Pelton was conducting such negotiations when he

went to Baltimore; and that when on the next day he received from Mr. Pelton a cipher telegram requesting that the $80,000 should be sent to him at Baltimore, he informed Mr. Tilden what Pelton was doing, whereupon he was recalled and "the thing was stopped." Under cross-examination by Mr. Reed of Maine, Mr. Tilden swore that he knew nothing of any of the telegrams; that the first he knew of the Florida transactions was when they were mentioned to him by Mr. Marble after his return from Florida; that he was informed by Mr. Cooper of the South Carolina negotiations and stopped them; that he scorned to defend his title by such means as were employed to acquire a felonious possession. Neither Mr. Patrick nor Mr. Woolley appeared before the committee.

Two general conclusions may safely be drawn from the voluminous evidence: *first*, that the Democratic agents in the contested States of Florida, South Carolina, and Oregon earnestly and persistently endeavored to change the result from Hayes to Tilden by the use of large sums of money as bribes to official persons to violate their duty; *second*, that the negotiations for that purpose do not show that any member of any Canvassing Board or any Presidential Elector ever contemplated betraying his trust for such inducement. The interest throughout the investigation centred upon Mr. Tilden, and concerning him and his course there followed general discussion — angry accusation and warm defense. There is nothing in the testimony to contradict the oath taken by Mr. Tilden and there has been no desire to fasten a guilty responsibility upon him. But the simple fact remains that a Presidential canvass which began with a ponderous manifesto in favor of "reform" in every department of the Government, and which accused those who had been entrusted with power for sixteen years of every form of dishonesty and corruption, ended with a persistent and shameless effort to bribe the electors of three States!

CHAPTER XXVI.

Inauguration of President Hayes. — His Southern Policy. — Appointment of his Cabinet. — Organization of Senate and House of Representatives. — Re-election of Speaker Randall. — Silver Discussion. — Coinage of Silver Dollar. — Report of Silver Commission. — Discussion on Silver Question. — Product of Silver and Gold. — Thirty-two Years of Each. — Navigation Interests. — Loss of Ground by the United States. — Reason therefor. — How can it be regained?

PRESIDENT HAYES was inaugurated on the 5th day of March (1877) — the 4th falling on Sunday. As matter of precaution the oath of office was administered to him by Chief Justice Waite on Sunday — Mr. Hayes deeming it wise and prudent that he should be ready as President of the United States to do his official duty if any Executive act should that day be required for the public safety. Although his title had been in doubt until within forty-eight hours of his accession, he had carefully prepared his Inaugural address. It was made evident by his words that he would adopt a new policy on the Southern question and upon the question of Civil Service Reform. It was plainly his determination to withdraw from the South all National protection to the colored people, and to put the white population of the reconstructed States upon their good faith and their honor, as to their course touching the political rights of all citizens.

The Inaugural address did not give satisfaction to the radical Republicans, but was received with every mark of approbation by the more conservative elements of the party. Many Democrats would have supported Mr. Hayes cordially but for the mode of his election. It was impossible for them to recover from the chagrin and disappointment of Mr. Tilden's defeat. The new President, therefore, began his administration with a bitter personal opposition from the Democracy, and with a distrust of his own policy on the part of a large number of those who had signally aided in his election.

The one special source of dissatisfaction was the intention of the President to disregard the State elections in the three States upon

whose votes his own title depended. The concentration of interest was upon the State of Louisiana, where Governor Packard was officially declared to have received a larger popular majority than President Hayes. By negotiation of certain Commissioners who went to Louisiana under appointment of the President, the Democratic candidate for Governor, Francis T. Nicholls, was installed in office and Governor Packard was left helpless.[1] No act of President Hayes did so much to create discontent within the ranks of the Republican party. No act of his did so much to give color to the thousand rumors that filled the political atmosphere, touching a bargain between the President's friends and some Southern leaders, pending the decision of the Electoral Commission. The election of the President and the election of Mr. Packard rested substantially upon the same foundation, and many Republicans felt that the President's refusal to recognize Mr. Packard as Governor of Louisiana furnished ground to his enemies for disputing his own election. Having been placed in the Presidency by a title as strong as could be confirmed under the Constitution and laws of the country, it was, in the judgment of the majority of the Republican party, an unwise and unwarranted act on the part of the President to purchase peace in the South by surrendering Louisiana to the Democratic party.

The Cabinet selected by President Hayes was regarded as one of great ability. Mr. Evarts, Secretary of State, Mr. Sherman, Secretary of the Treasury, Mr. Schurz, Secretary of the Interior, were well known.

— The Secretary of War, George W. McCrary of Iowa, had steadily grown in public esteem by his service in the House of Representatives, and possessed every quality desirable for the administration of a great public trust.

— Mr. Richard W. Thompson of Indiana, appointed Secretary of the Navy, was in his sixty-eighth year, and had been a representative in Congress thirty-five years before. He was known throughout the West as an ardent Whig and an equally ardent Republican.

— Charles Devens of Massachusetts was appointed Attorney-General. His standing as a lawyer can be inferred from the fact that he left the Supreme Bench of his State to accept the position. To eminence

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[1] The Louisiana Commission was composed as follows:

General Joseph R. Hawley of Connecticut, Judge Charles B. Lawrence of Ohio, General John M. Harlan of Kentucky, Ex-Governor John C. Brown of Tennessee, Hon. Wayne McVeagh of Pennsylvania.

in his profession he added an honorable record as a soldier, having served with distinction in the civil war and attained the rank of Brigadier-General. As a private gentleman he was justly and widely esteemed.

— For Postmaster-General the President selected David M. Key of Tennessee, who during the previous session had served in the Senate, by appointment of the Governor of his State, to fill the vacancy caused by the death of Ex-President Johnson. The selection of Mr. Key was made to emphasize the change of Southern policy which President Hayes had foreshadowed in his Inaugural address. Mr. Key was a Democrat, and personally popular. A Southern Democrat in a Republican Cabinet presented a novel political combination, and it is evidence of the tact and good sense of Mr. Key that he administered his Department in such manner as to secure, not merely the respect of the Republican party, but the sincere friendship of many of its leading members. He was wise enough and fortunate enough to induce Hon. James N. Tyner, whom he succeeded as Postmaster-General, to remain in the Department as First Assistant, in order that Republican senators and representatives might freely communicate upon party questions, which Mr. Key delicately refrained from even hearing. The suggestion was made, however, by men of sound judgment, that in projecting a new policy towards the South, which was intended to be characterized by greater leniency in certain directions, it would have been wiser in a party point of view, and more enduring in its intrinsic effect, to make the overture through a Republican statesman of rank and celebrity.

Among the new senators of the Forty-fifth Congress were some who were transferred from the House and were already well known to the country. James B. Beck of Kentucky, George F. Hoar of Massachusetts, Benjamin H. Hill of Georgia, had each made a brilliant record by his service in the House. Mr. Blaine of Maine now entered for a full term, but had come to the Senate several months before as the successor of Honorable Lot M. Morrill, when that gentleman was called by President Grant to administer the Treasury Department. — Among those who had not served in Congress were several distinguished men. David Davis of Illinois, who had been fifteen years on the Bench of the Supreme Court of the United States, now entered the Senate as the successor of General Logan. With the exception of John Rutledge, who served in the House of Representatives after he had been on the Supreme Bench, Judge Davis is

the only man who entered Congress after service on the Bench. John Jay was Minister to Great Britain and Governor of New York after he resigned the Chief-Justiceship; and Oliver Ellsworth was Minister to France after his retirement from the Bench. A large proportion of the justices had been in Congress before they entered upon their judicial service; but the transfer of Judge Davis to the Senate was a reversal of the natural order.

Samuel J. Kirkwood, already well known by his service in the Senate, now returned from Iowa. — Preston B. Plumb of Kansas, who had been printer, editor, soldier in the civil war with the rank of Lieutenant-Colonel, member of the Bar, reporter of the Supreme Court of his State, Speaker of the House of Representatives of Kansas, now succeeded James M. Harvey. Mr. Plumb was actively and largely engaged in business affairs, and had perhaps as accurate knowledge of the resources of the West as any man in the country. — A. H. Garland entered from Arkansas, being promoted from the Governorship of his State. He was popular among his own people, and had been a member of the Secession Convention and of both branches of the Confederate Congress. His reputation as a lawyer had preceded his entrance into the Senate, where he was at once accorded high rank among his political friends. — John R. McPherson, a business man of good repute in New Jersey, succeeded Mr. Frelinghuysen. — Edward H. Rollins of New Hampshire, who had creditably served six years in the House, now came to the Senate as the successor of Aaron H. Cragin. — Alvin Saunders, who was appointed Governor of the Territory of Nebraska by Mr. Lincoln in 1861, and held the position until the State was admitted to the Union in 1867, now came as one of her senators. — Richard Coke who had been Governor of Texas, and Lafayette Grover who had been Governor of Oregon, now entered the Senate. — Isham G. Harris, who had been in Congress twenty-five years before and had played a somewhat conspicuous part in the rebellion as Governor of Tennessee, now succeeded Henry Cooper as senator from that State.

— William Pinkney Whyte, who entered the Senate the previous Congress for a full term, had already served in that body for a brief period in 1868–69, succeeding Reverdy Johnson when he resigned to accept the mission to England. In the interval between the close of his first service and his second election he had served as Governor of Maryland. He is a grandson of the eminent William Pinkney, who was a member of the Senate at the time of his death,

and who as an orator was considered by Mr. Benton, Mr. Clay, and the younger men of that period, as the most eloquent in the country. Mr. Pinkney Whyte held a distinguished position at the bar of Maryland, was recognized as a senator of great ability, and as a private gentleman was highly esteemed without reference to party lines.

— Stanley Matthews took the seat made vacant by the transfer of Mr. Sherman to the Treasury Department. His reputation as a lawyer was well established. He had been United-States District Attorney for three years preceding the war. He commanded an Ohio regiment for two years in the field and resigned to accept a position on the bench of the Superior Court. His legislative experience had been limited to a single term in the Ohio Senate, and as the Democrats had carried Ohio in the autumn of 1877 before he could take his seat, he saw before him a short service in Congress. Within the limit of two years, however, he made a profound impression upon his associates in the Senate. He proved to be an admirable debater, and seemed intuitively to catch the style of Parliamentary discussion as distinguished from an argument in court. He left the Senate with an enlarged reputation, and with a valuable addition to his list of personal friends.

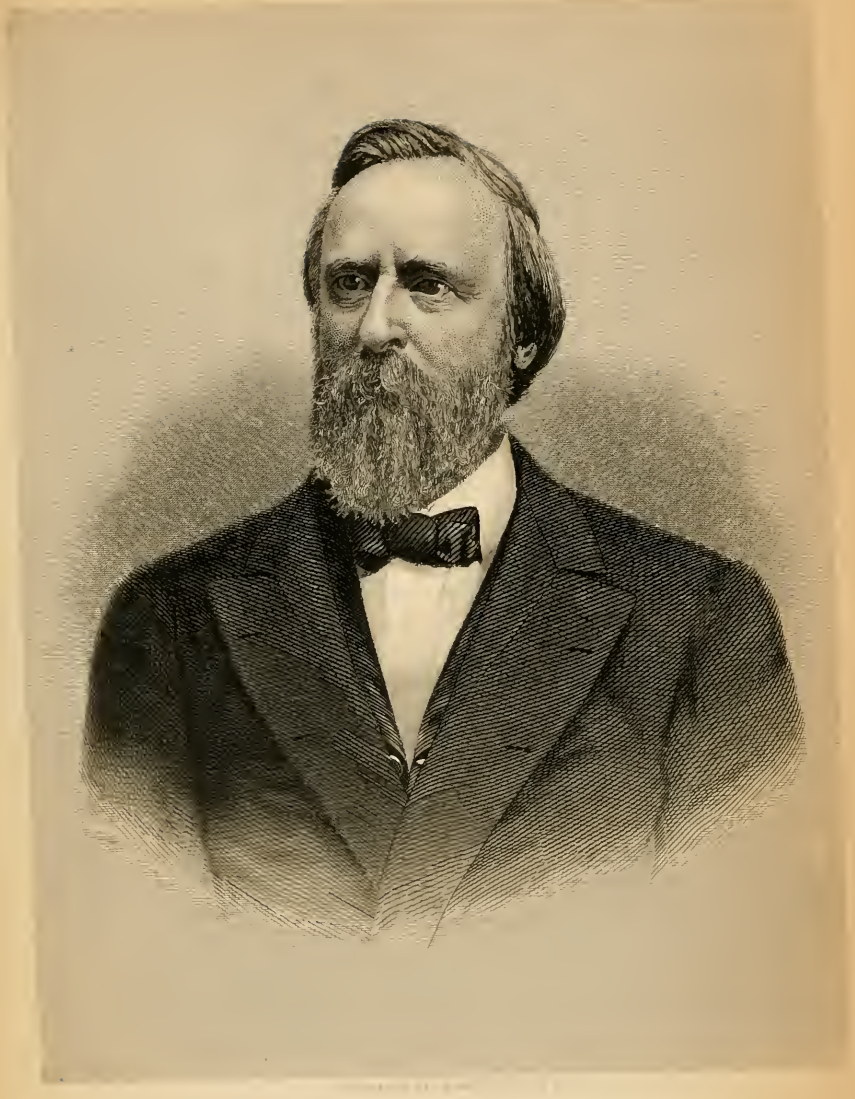
— Simon Cameron from Pennsylvania resigned his seat in the spring of 1877. He had been four times elected to the body, and had twice resigned, leaving his total service some eighteen years. He was in his seventy-ninth year when he retired, but in exceptional vigor of body and mind. He had the graces of age without its infirmities, and shared the good will of his fellow senators on both sides of the chamber in an exceptional degree. He was succeeded by his son, James Donald Cameron, who up to that period had never been a member of any legislative body and who was in his forty-fourth year when he took his seat in the Senate. He was educated at Princeton College, became a banker, had been largely engaged in railroad affairs, and had indeed devoted his life to business. During the last year of President Grant's Administration he was a member of the Cabinet as Secretary of War, in which position he showed the same executive power that had characterized the prompt and orderly dispatch of his private business.

— A fortnight after the meeting of Congress the Senate sustained a deep loss in the death of Oliver P. Morton. He died at his home in Indiana on the 1st day of November (1877). He had for several

years been in ill health, but struggled with great nerve against the advances of disease. Few men could have resisted so long and so bravely. An iron will sustained him and enabled him through years of suffering to assume a leading part in the legislation of the country and in directing the policy of the Republican party.

Governor Morton was succeeded by Daniel W. Voorhees, already widely known by his service of ten years in the House. Mr. Voorhees was a Democrat of the most pronounced partisan type, but always secured the personal good will of his political opponents in Congress. — M. C. Butler of South Carolina entered the Senate on the 2d of December, 1877. He had been engaged in all the partisan contests by which the Republican party was overthrown in South Carolina, and encountered much prejudice when he first took his seat; but his bearing in the Senate rapidly disarmed personal hostility, and even gave to him a certain degree of popularity upon the Republican side of the chamber.

The House was organized at an extra session called by the President on the 15th of October, 1877. The failure of the Army Appropriation Bill at the preceding session rendered this early meeting of Congress necessary. Samuel J. Randall was re-elected Speaker, receiving 149 votes; his Republican competitor, James A. Garfield, receiving 132. Among the new members of the House were some men who were afterwards advanced to great prominence. — Thomas B. Reed of Maine came from the Portland district. He had been a member of the Bar some twelve years, had rapidly risen in rank, had served in the State Legislature two terms, and had been Attorney-General of the State for three years. He was a strong man in his profession, and had an admirable talent for parliamentary service. His promotion was not more rapid than his ability justified and his friends expected. — The Massachusetts delegation received a strong reinforcement in several new members. George D. Robinson was a conspicuous figure. He developed great readiness as a debater, and his career in the House plainly indicated the eminence he has since attained. — George B. Loring came from the Salem district. He had served several terms in both branches of the Massachusetts Legislature and had been President of the Senate. He had for many years taken active part in National contests, and of the *personnel* and principles of the political parties he possessed a knowledge equaled by few men in the United States. — William W. Rice of the Worcester district had devoted himself assiduously to his pro-



R. B. Hayes

fession of the law and had generously shared in its rewards and its honors. From the midst of his full practice he was chosen to Congress. — William Claflin, well known as a merchant, had taken active part in the politics of Massachusetts, had been in both branches of the Legislature, and served as Lieutenant-Governor, and Governor of the State.

Horace Davis (a son of the eminent Senator John Davis of Massachusetts), long resident in California, came as the representative of the San Francisco district. He had been successful as a business man on the Pacific Coast, and brought to the service of the House large experience, strong sense, and high character. — The Indiana delegation was especially strong, with Thomas M. Browne, John H. Baker, and William H. Calkins, among its members. Mr. Browne and Mr. Calkins united a talent for parliamentary discussion with exceptional power as platform speakers. Mr. Baker was one of the most thorough men in the House on all questions of finance and taxation. — Hiram Price, who had already served six years, returned from Iowa. — William A. Phillips, Dudley C. Haskell and Thomas H. Ryan made a strong delegation from Kansas. — James F. Briggs, a lawyer of good standing, entered from the Manchester district of New Hampshire. — John T. Wait, a highly intelligent representative from Connecticut, had served a part of the Forty-fourth Congress, and was now returned for a full term. — Edwin Willitts who proved to be a wise legislator came from Michigan. — Anson G. McCook, of the well-known Ohio family that furnished so large a number of good soldiers, came from New-York City, with the personal distinction of having carried a Democratic district. — Frank Hiscock came from the Syracuse district. He had been a member of the Constitutional Convention of 1867 and stood high as a lawyer. He rose rapidly in the House, soon acquiring a position of the first rank. — John H. Starin and George A. Bagley were among the conspicuous members of the New-York delegation. — Judge A. B. James, of long service on the Supreme Bench of his State, came from the Ogdensburg district, and George W. Patterson, in his seventy-ninth year, from the Chautauqua district. Mr. Patterson was Lieutenant-Governor of the State when Hamilton Fish was governor.

Among the prominent Ohio representatives were Jacob D. Cox, from the Toledo district; Joseph W. Keifer, from the Madison district, afterwards promoted to the Speakership of the House; Amos Townsend, from the Cleveland district, a successful merchant

and a man of strong sense. — General Thomas Ewing came from the Fairfield district. He was one of the private secretaries of President Taylor before he had attained his majority, was Chief Justice of the Supreme Court of Kansas at thirty-one years of age and member of the Ohio Constitutional Convention in 1873–74. He was an able lawyer and strong debater. — William McKinley, jun., entered from the Canton district. He enlisted in an Ohio regiment when but seventeen years of age, and won the rank of Major by meritorious service. The interest of his constituency and his own bent of mind led him to the study of industrial questions, and he was soon recognized in the House as one of the most thorough statisticians and one of the ablest defenders of the doctrine of Protection. He was more widely known afterwards as a platform speaker, always welcomed by large audiences.

Russell Errett and Thomas M. Bayne entered from the Pittsburg districts, Pennsylvania. Mr. Errett was a veteran editor in the anti-slavery cause, and Mr. Bayne was recognized as a young man of superior ability, ready in debate and with special adaptation to parliamentary service. — John I. Mitchell, afterwards chosen senator, entered from the Lycoming district, and Edward Overton from the Bradford district. — General Harry White entered from the Armstrong district. He had been confined in Libby Prison for sixteen months during the war and being a member of the Pennsylvania Senate his absence made a tie vote. He was not allowed to send his resignation and thus permit a Republican successor to be chosen, because the Confederates were not engaged at that time in promoting Republican success. His resignation was finally sent through the lines, concealed in a Testament carried by an exchanged surgeon.

The distinctive measure of the Forty-fifth Congress was the passage of the Act for the coinage of silver dollars. The subject had been discussed in the Senate and House and before the people, with increased zeal, ever since the movement for resumption of specie payment took decided form. For those who had not given special attention to the question, arguments were at hand from an official source. It would be difficult to find a more exhaustive examination into the silver question than is embodied in the report of the Monetary Commission (organized under the joint resolution of August 15, 1875), presented

to Congress on the 2d of March, 1877. It has permanent value for the compact and lucid form in which the history of the precious metals is presented, and for the clear statement of conflicting theories in regard to monetary systems.

— Three members of the Commission, John P. Jones and Louis V. Bogy of the Senate, and George Willard, a representative from Michigan, believed that the United States should remonetize silver without regard to the future policy of Europe, and that a law should be passed fixing $15\frac{1}{2}$ to 1 as the standard of relative values between silver and gold in this country.

— Mr. William S. Groesbeck favored the remonetization of silver at the old relation in the United States of 16 to 1, and was joined in this suggestion by Mr. Richard P. Bland of Missouri.

— Senator George S. Boutwell expressed the opinion that it was not expedient to coin silver dollars to be a legal-tender, and that the introduction of silver as currency should be postponed until the effort to secure the co-operation of other nations had been faithfully made.

— Professor Francis Bowen and Representative Randall L. Gibson thought that a double standard was an illusion and an impossibility, and declared the proper place for silver in the monetary system to be that of subsidiary or token currency, considerably overvalued by law and a legal-tender only within certain minor limits. They advocated the coinage of silver dollars of $345\frac{6}{10}$ grains, to be legal-tender for sums not over twenty dollars, and to take the place of all paper currency of less denomination than five dollars.

President Hayes presented the subject in his message, December 3, 1877. He did not believe that "the interests of the Government or the people would be promoted by disparaging silver," but held that it should be used only at its commercial value. "If," said he, "the United States had the undoubted right to pay its bonds in silver coin, the little benefit from that process would be greatly overbalanced by the injurious effect of such payments if made or proposed against the honest convictions of the public creditors."

Secretary Sherman, in his annual report at the same time, said that in the work of refunding he had informed his associates in an official letter that "as the Government exacts in payment for bonds their full face in coin, it is not anticipated that any future legislation of Congress or any action of any Department of the Government will sanction or tolerate the redemption of the principal of these bonds, or the payments of the interest thereon, in coin of less

value than the coin authorized by law at the time of their issue, — being gold coin." He earnestly urged Congress to give its sanction to this assurance.

These official utterances were put forward in the heat of the general discussion, and fell upon the ears of persons already engaged on one side or the other of the earnest controversy in regard to the coinage of silver. Congress was at once called upon from an unexpected source to make a declaration hostile in aim and purpose to the policy advocated both by the Head of the Nation and its chief financial officer. In direct hostility to the recommendations of an Ohio President and an Ohio Secretary of the Treasury, an Ohio senator, Mr. Stanley Matthews, moved a concurrent resolution in the Senate, declaring that "all bonds of the United States are payable in silver dollars of 412½ grains, and that to restore such dollars as a full legal-tender for that purpose, is not in violation of public faith or the rights of the creditor." A motion to refer the resolution to the Committee on the Judiciary was defeated — *ayes* 19, *noes* 31. It was kept before the Senate for immediate consideration and discussion. The eagerness for debate on the subject is shown by the record. Thirty-four senators delivered speeches, most of them elaborately prepared, going over the history of the precious metals, the field of American legislation, and international practice in money.

The Senate refused to adopt Mr. Conkling's suggestion to make the resolution *joint* instead of *concurrent* and thus require the signature of the President. Mr. Matthews had framed it so as simply to evoke an expression by both branches of Congress without sending it to the Executive, whose opinions had just been made known through his annual message. This was intended as an expression of dissent on the part of Congress from the views of the President. Mr. Edmunds moved an amendment declaring that "the bonds are payable in gold coin or its equivalent, and that any other payment without the consent of the creditor would be in violation of the public faith." It was defeated — *ayes* 18, *noes* 44. On an amendment offered by Mr. Justin S. Morrill, declaring that "the bonds will be payable in silver if the Silver Bill becomes the law of the land," the division was *ayes* 14, *noes* 41. On the passage of the resolution in the Senate, the *ayes* were 43, the *noes* 22. In the House of Representatives the resolution was passed under a suspension of the rules, — *ayes* 189, *noes* 79. This proclamation of the financial creed of Congress was made complete on the 28th of January, 1878.

On the 5th of the previous November, during the extra session, the House passed, under a suspension of the rules, a bill for the free coinage of silver dollars of 412½ grains, full legal tender for all debts public and private. Mr. Richard P. Bland of Missouri was the author of the measure. The vote upon it stood 163 *ayes* to 34 *noes*, 93 members not voting. It was reported in the Senate with amendments, in December, and its discussion was superseded for the time by the resolution of Mr. Matthews. As reported from the Finance Committee, it provided for a coinage of dollars of 412½ grains to the extent of not less than $2,000,000 or more than $4,000,000 per month; all seigniorage to accrue to the Treasury. A second section, proposed by Mr. Allison of Iowa, authorized the President to invite other nations to take part in a conference, and to appoint three Commissioners to represent the United States, with a view to the adoption of a common ratio for gold and silver.

The bill gave rise to a longer and broader discussion than that which had occurred on Mr. Matthews' resolution. It was opened by Mr. Morrill of Vermont. He pronounced the measure a "fearful assault upon the public credit. It resuscitates the obsolete dollar which Congress entombed in 1834, worth less than the greenback in gold, and yet to be a full legal-tender." He thought that the causes of the depreciation of silver were permanent. "The future price may waver one way or the other, but it must finally settle at a much lower point. Nothing less than National will and power can mitigate its fall."

— Mr. Wallace of Pennsylvania charged that the opponents of the bill were "taking a course for the abasement, depreciation and disuse of silver. The supporters of the bill favor both gold and silver."

— Mr. Dawes dwelt on the uncertain commercial value of silver and on the harm to the public credit threatened by the impending measure, insisting that the cheapest money would be our only money.

— Mr. Beck of Kentucky submitted a proposition to direct the coinage of "not less than $3,000,000 per month, or as much more as can be coined at the mints of the United States."

— Mr. Morgan of Alabama said the law did not deal with commercial values. It promised coin to the bondholder — coin of silver or coin of gold.

— Mr. Thurman of Ohio thought that the contract provided for the payment of public debts in coin of the standard of 1870, when the

dollar of 412½ grains was full legal-tender, and that such dollar would approximate to gold in value.

— Mr. Kernan of New York said: "This bill does not proceed upon the basis that we are to make a silver dollar equivalent to a gold dollar," and he thought that the cheaper coin would inevitably drive out the gold coin.

— Mr. Blaine submitted an argument "that gold and silver are the money of the Constitution, the money in existence when the Constitution was formed, and Congress has the right to regulate their relations." He favored the coinage of "such a silver dollar as will not only do justice among our citizens at home, but prove an absolute barricade against the gold monometalists." He did not believe that "412½ grains of silver would make such a dollar."

— Mr. Davis of West Virginia favored the utilization of silver, "because it is one of our chief products, will make the money known to the Constitution more abundant, will relieve distress, and lead back to prosperity."

— Mr. McDonald of Indiana thought that "if no change had been made in our coinage laws, no proposition would be made to change them now. The Act of 1873 demonetizing the silver dollar made the pending measure necessary."

— Mr. McPherson said that he was "charged by a large majority of the people of New Jersey to remonstrate against the measure, which they believe will retard prosperity, and throw a blot upon our National integrity."

— Mr. Sargent of California, representing a mining State, opposed the bill, "as against good faith, and against the interests of the Government and of the people."

— Mr. Jones of Nevada supported the bill in a very elaborate speech. He had an enthusiastic faith in silver as a circulating medium, and had given a great deal of study to the question.

— Mr. Ingalls of Kansas argued "that the public debt is payable in silver, and if the money unit should be established in the metal least subject to fluctuation that metal is silver. Gold is the money of monarchs, and was in open alliance with our enemies in the civil war."

— Mr. Lamar presented resolutions from the Legislature of his State, instructing the senators and requesting representatives to vote for the pending measure. He explained that he could not comply with the instructions, and would give the reasons for his vote to his own people.

— Mr. Allison of Iowa closed the debate, drawing the distinction between free coinage as proposed in the House Bill, and limited coinage as proposed in the Senate amendment. He dwelt on the invitation for an International Monetary Conference. He recited the growing demand for gold in Europe, and explained that "France ceased coining silver because she already had in circulation as full legal-tender from $350,000,000 to $400,000,000 in that coin."

In the course of the discussion the history of the Demonetizing Act of 1873 was brought out, and the degree of attention, or rather inattention, which was given to its passage. — On proceeding to vote the Senate rejected an amendment by Mr. Morrill, providing that for the first year only 25 per cent, and for the second year only 50 per cent, of the duties should be receivable in silver. — The amendment of Mr. Wallace "that $100,000,000 should be coined in silver dollars within three years, and then the coinage should cease if bullion should be more than three per cent below par," was also rejected. — The Senate refused to agree to an amendment offered by Mr. Edmunds, "that nothing in this section contained shall be construed to interfere with the coinage of gold and of the subsidiary silver now authorized by law." — The section providing for an International Conference was adopted, — *ayes*, 40; *noes*, 30. — Several forms of amendment relative to the legal-tender provision were suggested, but the phrase as it appears in the law was preferred. — Amendments offered by Mr. Eaton, Mr. Christiancy, Mr. Blaine, and Mr. Cameron of Wisconsin to increase the amount of silver in the coin, so as to approximate it to the value of the gold dollar, were severally rejected by large majorities. — After providing, on Mr. Chaffee's motion, for certificates of not less than $10 in exchange for silver coin deposited and redeemable in the same on demand, the Senate passed the bill with its amendments, by *ayes* 48, *noes* 21.

On the return of the bill to the House of Representatives debate began on February 21st. — Mr. Phillips of Kansas advocated the double standard with the ratio of metal properly determined, and he thought this was done in the dollar of 412½ grains. — General Butler of Massachusetts was in favor of insisting on the House bill for free coinage, and was seconded by Mr. Atkins of Tennessee. — Mr. Bland was willing to accept the Senate amendments and then pass a supplementary measure for free coinage on an appropriation bill. He added: "If we cannot do that I am in favor of issuing paper money enough to stuff down the bondholders until they are sick." — Mr.

Dwight of New York sought to limit the legal-tender quality of the silver dollar to $50, and for larger sums to make it receivable at its value in gold. — A motion by Mr. Hewitt of New York to lay the bill on the table was lost by *ayes* 71, *noes* 205. The several amendments of the Senate were then adopted; that limiting coinage by 203 *ayes*, to 72 *noes*, and that for an International Monetary Conference by *ayes* 196, *noes* 71.[1] The concurrence of the House in these amendments passed the bill.

President Hayes returned the bill to the House of Representatives with his objections, on the 28th of February. He based his veto on the proposition that "the silver dollar authorized is worth eight or ten per cent less than it purports to be worth, and is made a legal-tender for debts contracted when the law did not recognize such coin as lawful money. The effect would be to put an end to the receipt of revenue in gold, and thus compel the payment of silver for both the principal and interest of the public debt." This he thought would be regarded as a grave breach of public faith: "It is my firm conviction that if the country is to be benefited by a silver coinage, it can only be done by the issue of silver dollars of full value which will defraud no man. A currency worth less than it purports to be worth, will in the end defraud not only creditors, but all who are engaged in legitimate business, and none more surely than those who are dependent on their daily labor for their daily bread."

[1] The International Monetary Conference for which provision was made in the bill was held at Paris in the autumn of 1878. The American Commissioners were Reuben E. Fenton, William S. Groesbeck and Francis A. Walker, with S. Dana Horton as Secretary. The principal European Nations were present with the exception of Germany. The Commissioners received the impression that decided progress had been made towards the remonetization of silver in Europe, but subsequent events have not vindicated their judgment. Mr. Goschen, who was the head of the British delegation, declared that "it would be a misfortune for the world if a movement for a sole gold standard should succeed;" but he indicated no purpose on the part of his own government to change from the gold standard. The Conference came to no practical conclusion, simply agreeing that "it is necessary to maintain in the world the monetary functions of silver as well as those of gold;" but that "the selection for use of one or the other of the two metals, or both simultaneously, should be governed by the special position of each State or group of States." The proposition of the United States "that the delegations recommend to their respective governments the adjustment of a fixed relation between the two metals and the use of both in that relation as unlimited legal-tender money," was rejected. The supporters of a bi-metallic standard, though disappointed in the immediate result of the Conference, received encouragement from the advance in International opinion in the years that had elapsed since the previous Conference (1867). At that time the Nations declared almost unanimously in favor of a single standard of gold. Many of them had found in the interval great difficulty in maintaining it and were withheld from declaring for the double standard simply by the influence and example of England.

The House voted at once on the veto — passing the bill against the objections of the President, by *ayes* 196, to *noes* 73. The vote was taken in the Senate on the same day, without debate, and the bill was passed over the veto by *ayes* 46, *noes* 19. The senators not voting were paired. Had every senator been present and voted the result would have been *ayes* 53, *noes* 23. New England, New York and New Jersey supplied the principal part of the negative vote. Mr. Bayard, Mr. Pinkney Whyte, Mr. Butler of South Carolina, and Mr. Lamar were the senators from the South who voted in the negative. Pennsylvania, the South and the West sustained the bill. The Pacific coast was divided, — Mr. Booth supporting the bill and Mr. Sargent opposing it. The only vote for the bill in either House from New England was that of General Butler. The proportion and general location of the votes in the House were about the same as in the Senate.

The opinions of senators and representatives were of three distinct types. The majority believed, as the vote showed, in the policy of coining silver dollars of full legal-tender, regardless of their intrinsic equality of value with gold dollars, — thus creating two metallic currencies differing in value for all purposes of commercial interchange with the world, and keeping them at an equality of value at home by the force of law. The great mass of the Democratic party and a considerable number of Republicans joined in this view.

A small minority of both parties disbelieved in the use of silver as money, except for subsidiary coins, with its legal-tender value limited to small sums, — fifty dollars being the highest proposed, the majority apparently favoring ten dollars.

A majority of Republicans and a minority of Democrats asserted the necessity of maintaining silver coin at full legal-tender, but upon the basis of equality in intrinsic value with the gold dollar. This class feared the effect of an exclusively gold standard, while the supply of gold, compared with the commercial demands of the world, is relatively and rapidly growing less. They had seen the ratio of gold-supply far beyond that of silver for a series of years following 1850, and then for a series of years the ratio of silver-supply in excess of the supply of gold. The theory advocated by this class rested upon the proposition that the dollar of commerce could not with safety be exclusively based either upon the scarcer or upon the more plentiful metal. An adjustment is required providing for the employment of both metals — maintaining between them such fair equalization as

would not violently disturb the value of real property or of annual products, and most important of all would secure a steadiness in the wages of labor and a sound currency in which to recompense it. The supply of both metals for two periods of sixteen years each (1850–1865 both included and 1866–1881 both included) in the United States and in the world at large may suggest some useful lessons.[1]

From the Silver Bill the public interest turned to the approaching day of Specie Resumption, January 1, 1879. To the last month there had been many doubters, but when the day came it was found that the Treasury was fully prepared and the gold coin which had borne a premium for the seventeen years of specie suspension was not now demanded even by those who had been hoarding legal-tender notes for that express purpose.

The result has proved that legislators and financiers were wisest who had the largest faith in the resources of the nation. The legislation proved to be adequate to the end in view, and resumption was achieved with the least practicable disturbance of trade and the least practicable depression to industry. The process of funding the debt was of great assistance, as was the constant reduction of the principal, which all the while drew our bonds from Europe and

[1] The following tables have been prepared with care by Hon. A. Loudon Snowden, the able superintendent for several years of the United States Mint at Philadelphia.

ANNUAL PRODUCTION OF GOLD AND SILVER IN THE UNITED STATES, FROM 1850 TO 1881, INCLUSIVE.

YEARS.	GOLD.	SILVER.	YEARS.	GOLD.	SILVER.
1850 . . .	$50,000,000	$50,000	1866	$53,500,000	$10,000,000
1851 . . .	55,000,000	50,000	1867	51,725,000	13,500,000
1852 . . .	60,000,000	50,000	1868	48,000,000	12,000,000
1853 . . .	65,000,000	50,000	1869	49,500,000	12,000,000
1854 . . .	60,000,000	50,000	1870	50,000,000	16,000,000
1855 . . .	55,000,000	50,000	1871	43,500,000	23,000,000
1856 . . .	55,000,000	50,000	1872	36,000,000	28,750,000
1857 . . .	55,000,000	50,000	1873	36,000,000	35,750,000
1858 . . .	50,000,000	500,000	1874	33,500,000	37,300,000
1859 . . .	50,000,000	100,000	1875	33,500,000	31,700,000
1860 . . .	46,000,000	150,000	1876	39,930,000	38,780,000
1861 . . .	43,000,000	2,000,000	1877	46,900,000	39,800,000
1862 . . .	39,200,000	4,500,000	1878	51,200,000	45,281,000
1863 . . .	40,000,000	8,500,000	1879	38,900,000	40,800,000
1864 . . .	46,100,000	11,000,000	1880	36,000,000	39,200,000
1865 . . .	53,225,000	11,250,000	1881	30,650,000	43,150,000
Total . .	$822,525,000	$38,400,000	Total . . .	$678,805,000	$467,011,000

Total Gold for thirty-two years, $1,501,330,000. Total Silver, $505,411,000.

thus reduced the amount due for foreign interest. The monthly charge for interest had been in 1865 as high as $12,581,474, — a part payable in paper. During the fiscal year ending with June, 1879, it was only $6,981,148. It is obvious that from this source alone the Treasury was greatly strengthened.

Generous credit was accorded to Secretary Sherman for the great achievement. It seldom happens that the promoter of a policy in Congress has the opportunity to carry it out in an Executive Department. But Mr. Sherman was the principal advocate of the Resumption Bill in the Senate, and during the two critical years preceding the day for coin payment he was at the head of the Treasury Department. He established a financial reputation not second to that of any man in our history.

During the period of the Crimean war (1854–6), the mercantile marine of the United States gained so rapidly that it approached equality with that of England, in tonnage. But even before the calamities of our civil war, a change was foreshadowed favorable to

ANNUAL PRODUCTION OF GOLD AND SILVER IN THE WORLD, EXCLUSIVE OF THE UNITED STATES, FROM 1850 TO 1881, INCLUSIVE.

YEARS.	GOLD.	SILVER.	YEARS.	GOLD.	SILVER.
1850 . . .	$15,000,000	$39,500,000	1866	$67,600,000	$40,750,000
1851 . . .	12,600,000	39,950,000	1867	52,300,000	40,725,000
1852 . . .	72,750,000	40,550,000	1868	61,725,000	38,225,000
1853 . . .	90,450,000	40,550,000	1869	56,725,000	35,500,000
1854 . . .	67,450,000	40,550,000	1870	56,850,000	35,575,000
1855 . . .	80,075,000	40,550,000	1871	63,500,000	38,050,000
1856 . . .	82,600,000	40,600,000	1872	63,600,000	36,500,000
1857 . . .	78,275,000	40,600,000	1873	60,200,000	53,500,000
1858 . . .	74,650,000	40,150,000	1874	57,250,000	34,200,000
1859 . . .	74,850,000	40,650,000	1875	64,000,000	48,800,000
1860 . . .	73,250,000	40,650,000	1876	63,770,000	48,820,000
1861 . . .	70,800,000	42,700,000	1877	67,100,000	41,200,000
1862 . . .	68,550,000	40,700,000	1878	67,800,000	49,519,000
1863 . . .	66,950,000	40,700,000	1879	69,800,000	55,200,000
1864 . . .	66,900,000	40,700,000	1880	70,400,000	57,500,000
1865 . . .	66,975,000	40,700,000	1881	65,800,000	62,800,000
Total . .	$1,072,125,000	$649,800,000	Total . . .	$1,008,420,000	$716,864,000

Total Gold, $2,080,545,000. Total Silver, $1,366,664,000.

TOTAL FOR THE WHOLE WORLD.

	GOLD.	SILVER.
1850–1865	$1,894,650,000	$688,200,000
1866–1881	1,687,225,000	1,183,875,000

England, hostile to the United States. It was the change from sail to steam. The utilization of iron as a ship-building material, the cheapening of fuel, the superior speed, all betokened a radical change in transportation on the principal ocean routes of the world. From the close of 1856 to the outbreak of the rebellion the average loss to the Navigation interests of the United States was two per cent annually. This ratio of loss was immensely accelerated by the course of events during the civil war, involving the utter destruction of many American vessels or their change of flag. The natural result was that in the spring of 1865 we stood in the carrying trade relatively and absolutely far behind our position in 1855.

Practically, nothing has since been done to recover the lost ground. Provision was made by Congress for the admission of certain ship-building materials free of duty. This somewhat improved the prospects and stimulated the construction of sailing vessels; but the competition in the world's carrying-trade is in steam-vessels. Great Britain had for many years covered the ocean with subsidized steamers, paying heavily for mail service until the lines were self-supporting, and withdrawing her aid only when competition could be safely defied. Congress steadily refused to enter upon any system of the same kind. Fitful aid was granted to special lines here and there, but no general system was devised, and the aid extended being temporary and accompanied sometimes by scandals in legislation was in the end rather hurtful than helpful.

Meanwhile the products we were exporting and importing enlarged so rapidly that we were giving more cargoes to ships than any other nation of the world, — furnishing in the year 1879 between thirteen and fourteen million tons of freight, and this altogether exclusive of our coasting trade. Some very extreme cases occurred, strikingly illustrative of the reluctance of Congress to help the American carrying trade. It was shown by statistics that we were exporting to Brazil not over $7,000,000 of our products, and taking from her over $40,000,000 of her products. We had no steam communication with Rio Janeiro, except by way of Europe. In 1876 the Emperor of Brazil, an able and enlightened monarch, visited the United States. As the result of his inquiries and examinations His Majesty expressed a sincere desire for closer commercial connections between the two countries, and eagerly spoke of his willingness to contribute by an annual bounty to the establishment of a line of steamers.

After the Emperor's return to his dominions John Roach (a native

of Ireland, but long naturalized in the United States), an energetic and capable ship-builder, of unusual foresight, energy, and integrity of purpose, sent an agent to Rio Janeiro, and procured a contract from the Brazilian Government pledging $125,000 per annum, provided the Government of the United States would give the same amount, for the establishment of a steam line between the two countries. Not doubting the readiness of the American Government to respond, Mr. Roach proceeded with full confidence, and built vessels for the line in his own ship-yard. The enterprise promised the best commercial results; but to his chagrin and discomfiture, Mr. Roach found that no amount of argument or appeal by those who were willing to speak for him could induce Congress to contribute a single dollar for the encouragement of the line. Brazil cancelled her offer when the United States refused to join with her. Mr. Roach's ships were withdrawn, and the line was surrendered to an inferior class of English steamers.

During the period of this futile experiment, as well as before and afterwards, Congress annually appropriated more than a million dollars for the maintenance of the South-American squadron of naval vessels, to protect a commerce that did not exist, and for the creation of which the United-States Government was unwilling to pay even ten per cent of the cost annually of maintaining the squadron. Every intelligent man knows that it is impossible to maintain a navy unless there be a commercial marine for the education of sailors. The American marine preceding 1861 was so large that it could furnish seventy-six thousand sailors to maintain a blockading squadron on the South Atlantic and Gulf coasts. The value of this school for seamen, as one of the arms for National defense, could not have been more strikingly illustrated, or more completely proved. The lesson should have been heeded. It is a familiar adage requiring no enforcement of argument, that navies do not grow at the top. They grow from and out of a commercial marine that educates men for sea service. If the Government of the United States had, since the close of the war, expended annually upon the mercantile marine one-fifth of the amount that has been expended upon the Navy, our ships would have covered every sea, and the Navy would have grown of itself. Instead of that, we have been constructing the navy as an exotic, forcing it to grow without a favoring atmosphere, establishing it with officers and not with men, educating cadets on land, and not educating sailors on the ocean.

The Democratic party in Congress was hostile to every movement for the encouragement of our carrying trade, and the Republican party was fatally divided. The men who had earnestly attempted to do something were therefore constantly defeated and compelled to abandon the effort. Following this came the demand for free ships, which meant simply that American capitalists might secure the registry of the United States for vessels built in English shipyards and manned with English sailors. This is the last movement necessary to complete the dominion of Great Britain over the sea, to complete the humiliation of the United States as a commercial country. It would abolish the art of ship-building on this side of the Atlantic, would educate no American sailor, except in the coasting trade. As a result, our naval vessels, if a Navy should be maintained, would necessarily be constructed where the merchant vessels were constructed; and the last point of absurdity in this policy would be reached when, in case of possible conflict with a European Power, we should be dependent for naval vessels upon a foreign country from which we could be cut off by the superior strength of our opponent on the sea.

With a more extended frontage on the two great oceans of the world than any other nation; with a larger freightage than that of any other nation, it will be a reproach to the United States, more pointed and decisive every year, if it neglects to establish a policy which shall develop a mercantile marine, and as the outgrowth of the mercantile marine, a Navy adequate to all the wants of the Republic. If Congress, in the sixteen years following the war, had given a tithe of the encouragement to the building and sailing of ships, that it has wisely given to manufactures, to the construction of railways, and to every industrial pursuit on land, our flag would before the close of that period have stood relatively on the ocean as strong and as permanent as it stood before steam was applied to the carrying trade of the world. In those sixteen years the Government expended more than three hundred millions on the Navy![1] It expended scarcely three millions to aid in building up its mercantile marine, and expended much of that unwisely.

[1] The Naval expenditures for the sixteen years following the war were as follows: —

Four years under President Johnson	$114,500,000
Eight years under President Grant	154,500,000
Four years under President Hayes	57,000,000

CHAPTER XXVII.

The Question of the Fisheries. — Origin of American Rights. — Early Disputes. — Treaty of 1782. — Treaty of Ghent. — Treaty of 1818. — Reciprocity Treaty. — Joint High Commission. — Fisheries Question to be arbitrated. — Selection of Arbitrators. — Negotiation for Reciprocity Treaty. — The Halifax Award. — Its Large Amount. — Dissatisfaction. — Action of Senate. — Correspondence with the British Government. — Mr. Evarts and Lord Salisbury.

THE question of the fisheries has been in dispute between Great Britain and the United States for more than seventy years. During that period it has been marked by constantly recurring, and sometimes heated, controversy; and it will continue to be a source of irritation until the two Governments can reach a solution which shall prove satisfactory, not only to the negotiators, but to the class of brave and adventurous men who, under both flags, are engaged in the sea-fisheries. For a long period each recurring season brought its series of complaints, often threatening violence between the fishermen, and tending to bring the two Governments into actual collision. An adjustment was effected by the Reciprocity Treaty of 1854 and again by the Treaty of Washington in 1871, but for so brief a time under each agreement as only to postpone the difficulty and not to settle it. There is a right and a wrong side to this question, and either the Government of the United States or the Government of England is to blame for the chronic contention which marks it.

The American case can be briefly stated. When the independence of the Colonies was recognized in the preliminary treaty of 1782 the provisions agreed upon in regard to two subjects were held by both Governments to be final and perpetual. One was the territory embraced within the boundaries conceded to the United States: the other was the right to the fisheries. The people of the Colonies, especially the people of the New-England Colonies, had as British subjects used all the British fisheries in what is now known as the Dominion of Canada and the island of Newfoundland; and in the

preliminary treaty to which George III. gave his assent in 1782, as well as in the final and more definite treaty of 1783, it was provided that the privilege should continue to be enjoyed by citizens of the new Republic.[1] No doubt of the intent and proper construction of this clause in both treaties had ever been suggested, until the English and American negotiators were engaged in framing the treaty of peace at Ghent in 1814, at the close of the second war with Great Britain. The British negotiators claimed that the war of 1812 had put an end to all existing treaties, and that, the fishery clause in the treaty of 1782 being no longer in force, our fishery rights had expired, and if revived at all must be revived under new stipulations.

The direct purpose of this movement was obvious. By the treaty of 1782 it was declared that "the navigation of the Mississippi River from its source to the ocean shall forever remain free and open to the subjects of Great Britain and to the citizens of the United States." It was at that time assumed that the boundary line between the territory of British America and the United States, as set forth in the treaty of peace, would at a certain point cross the Mississippi River, and that the navigation of that river would thus be secured to the subjects of his Britannic Majesty. But this was soon ascertained to be an error, and to the end that the line might be determined with precision the Jay treaty of 1794 provided for a joint survey. By the time of the negotiation of the Treaty of Ghent, twenty years later, it was definitely ascertained that the northern boundary of the United States ran above the sources of the Mississippi, while the purchase of Louisiana had given to our Government the control of the mouth of the river. Hence the privilege of navigating the Mississippi (so

[1] The third article of the treaty of 1782 is as follows: "It is agreed that the people of the United States *shall continue to enjoy unmolested* the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the Gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that island); and also on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; and that the American fishermen shall have the liberty to dry and cure fish in any of the unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground." Precisely the same concession is embodied in the treaty of 1783.

earnestly desired by the British Government) could not be insisted on, since the river from its source to the sea was wholly within the territory of the United States. If, therefore, our fishery rights were void by the abrogation of the fishery clause of the treaty of 1782, the restoration of those rights could be demanded only in exchange for some equivalent; and the equivalent to be asked, as was well known, would be the concession to Great Britain of the free navigation of the Mississippi River.

The position thus taken by the British Government was plainly untenable. The treaty of 1782 was only the formal declaration of certain facts consequent upon the termination of the Revolutionary war. That treaty recognized three conclusions as fully established: I. The independence of the thirteen Colonies; II. The territorial limits of the United States; III. The rights and methods of the common fisheries in Colonial waters which the citizens of the United States had exercised as British subjects. — The history of the negotiation and the explicit language of the treaty prove that the clause touching the fisheries was the recognition of an *existing* right and not the grant of a *new* right. The British Government, in 1814, might with equal force and justice have claimed that under this theory of the abrogation of the treaty of 1782 by war, the recognition of our independence and the establishment of our boundaries had also become void. It is a rather curious fact, apparently unknown or unnoticed by the negotiators of 1814, that as late as 1768 the law officers of the Crown under the last Ministry of Lord Chatham (to whom was referred the treaty of 1686 with France, containing certain stipulations in reference to the Newfoundland fisheries) gave as their opinion that such clauses were permanent in their character, and that so far the treaty was valid, notwithstanding subsequent war. The American negotiators of course refused to admit the principle (that the war of 1812 had put an end to any provision of the treaty of 1782) or its application; and the result was that the Treaty of Ghent was signed and ratified, without any provisions either as to the Fisheries or the navigation of the Mississippi River, — a position which left the United States in the full exercise of its rights under the treaty of 1782, from which it could be excluded only by the exercise of force on the part of the British Government. There was no danger of force being applied. The war of 1812 had satisfied Great Britain that she could gain nothing by going to war with the United States.

Within four years of this time a treaty was negotiated and ratified, which is altogether the most inexplicable in our diplomatic history. The war just concluded with Great Britain had reflected the highest honor upon our navy; while on land we had demonstrated, if not the absolute impossibility, certainly the serious difficulty and danger, of an invasion of our soil by any foreign power. We had risen greatly in the estimation of the world as to our capacity for war, and we had learned the especial importance of maintaining the fisheries as the nursery of our sailors. The State Department was under the direction of John Quincy Adams, who, above all statesmen of his day, was supposed to appreciate the value of the fisheries and who had stubbornly refused at Ghent to consent to any diminution of our fishing-rights even if the alternative should be the continuation of the war. Yet on the 20th of October, 1818, a treaty was concluded at London, containing as its first and most important provision an absolute surrender of some of our most valuable rights in the fisheries. The negotiation was conducted by Albert Gallatin and Richard Rush, men of established reputation for diplomatic ability and patriotic zeal. The history of the transaction is meagre. A brief and most unsatisfactory correspondence contains all that we know in regard to it. Neither in the minute and important diary of Mr. Adams, nor in the private letters, as published, of Mr. Gallatin and Mr. Rush, is there the slightest indication of any reason for recommending, or any necessity for conceding, the treaty.

By reference to the Third Article of the treaty of 1782, already quoted, it will be seen that the rights of the citizens of the United States were recognized; *first*, to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland, and also in the Gulf of St. Lawrence, and at other places in the sea *where the inhabitants of both countries used at any time before the treaty to fish; second*, to take fish of every kind on such part of the coast of Newfoundland as British fishermen should use, but not to dry or cure the same on that island; *third*, to take fish of every kind on the coasts, bays, and creeks of all other of his Britannic Majesty's dominions in America; *fourth*, to dry and cure fish in any of the unsettled bays, harbors, and creeks of Nova Scotia, Magdalen Islands, and Labrador. By the provisions of the First Article of the treaty of 1818, the right to take fish on the coast of Newfoundland and Labrador was limited to certain portions of the coast, *without prejudice, however, to any of the exclusive rights of the Hudson Bay Com-*

pany; second, the right to dry and cure fish was granted on the limited portions of the coast of Newfoundland and Labrador, as long as they remained unsettled; *third*, for this privilege of drying and curing fish, the United States "*renounced forever* any liberty theretofore enjoyed or claimed by the inhabitants thereof to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within the limits so described." Of this extraordinary renunciation Mr. Rush wrote, many years after: "We [Mr. Gallatin and himself] inserted the clause of renunciation; the British plenipotentiaries did not desire it."

From the execution of this treaty — as might well have been seen — the misunderstanding between the two countries in relation to the fisheries became more and more complicated. The treaty seems to have considered only the cod-fishing, and even from that point of view we paid an enormous price for the poor privilege of drying fish on the Newfoundland coast, by abandoning the right of mackerel fishing within three marine miles of all other coasts of his Britannic Majesty's dominions in America; for from that time the mackerel fisheries grew into large proportions, and without regard to treaty provisions the right of cod-fishing on the banks could never have been taken from us.

The difficulty of determining the three-mile line, the presence of armed vessels to prevent its violation, the vexatious seizure of American fishing-vessels, the reckless injustice of the British local courts in their condemnations, constantly exasperated both parties, and on several occasions threatened to bring the two Governments into actual collision. Both countries recognized the necessity of a more definite settlement; and in June, 1854, after thirty-six years of continuous disturbance and danger, Mr. Marcy as Secretary of State, and Lord Elgin, Governor-General of Canada, as plenipotentiary for Great Britain, negotiated what is known as the Reciprocity Treaty. It was hoped that the opportunity would be used to settle this question permanently, or at least to secure an understanding that we should not upon the termination of a temporary arrangement be relegated to the irritating injustice of the treaty of 1818. But the wary diplomatists of England, with sarcasm scarcely concealed, had so phrased the opening clause of the Reciprocity treaty as to make its provisions only "*additional to the liberty secured to the United States fishermen by the Convention of* 1818."

The right in the fisheries conceded by the treaty of 1854[1] — originally ours under the treaty of 1782, and unnecessarily and unwisely renounced in the treaty of 1818 — was not given freely but in consideration of a great price. That price was reciprocity of trade (so-called) between the United States and the British North American Provinces in certain commodities named in the treaty. The selection as shown by the schedule was made almost wholly to favor Canadian interests. There was scarcely a product on the list which could be exported from the United States to Canada without loss, while the great market of the United States was thrown open to Canada without tax or charge for nearly every thing which she could produce and export. All her raw materials were admitted free, while our manufactures were all charged with heavy duty, the market being reserved for English merchants. The fishery question had been adroitly used to secure from the United States an agreement which was one-sided, vexatious, and unprofitable. It had served its purpose admirably as a makeweight for Canada in acquiring the most generous and profitable market she ever enjoyed for her products. And yet Canadians seemed honestly

[1] Article I. of the treaty of 1854 provided: —

"Article I. It is agreed by the high contracting parties that in addition to the liberty secured to the United-States fishermen by the above-mentioned convention of Oct. 20, 1818, of taking, curing, and drying fish on certain coasts of the British North American colonies therein defined, the inhabitants of the United States shall have, in common with the subjects of her Britannic Majesty, the liberty to take fish of every kind, except shell-fish, on the sea-coasts and shores, and in the bays, harbors, and creeks of Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and of the several islands thereunto adjacent, without being restricted to any distance from the shore, with permission to land upon the coasts and shores of those colonies and the islands thereof, and also upon the Magdalen Islands, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with British fishermen, in the peaceable use of any part of the said coast in their occupancy for the same purpose."

In Article II. of the treaty it was reciprocally agreed as follows: —

"Article II. It is agreed by the high contracting parties that British subjects shall have, in common with the citizens of the United States, the liberty to take fish of every kind, except shell-fish, on the eastern sea-coasts and shores of the United States north of the 36th parallel of north latitude, and on the shores of the several islands thereunto adjacent, and in the bays, harbors, and creeks of the said sea-coasts and shores of the United States and of the said islands, without being restricted to any distance from the shore, with permission to land upon the said coasts of the United States and of the islands aforesaid, for the purpose of drying their nets and curing their fish; provided that, in so doing, they do not interfere with the rights of private property, or with the fishermen of the United States, in the peaceable use of any part of the said coasts in their occupancy for the same purpose."

Both concessions reserved "the salmon and shad fisheries and all fisheries in rivers and the mouths of rivers."

to believe that they had conceded to us more on the sea than we had conceded to them on the land![1]

The treaty of 1854 was to continue for ten years, with the right of termination upon twelve months' notice by either party. It was terminated on the 17th of March, 1866, upon notice given by the United States one year before. By the abrogation of this treaty our fishery rights were again, through our own unwise concession, subjected to the provisions of the treaty of 1818. But Canada gained little by this relegation, while she suffered great loss in consequence of being deprived of her free access to the markets of the United States for all her products of forest, field and sea.

During the existence of the Reciprocity Treaty the enterprise and capital of the American fishing industry had in some degree developed mackerel fishing, while a free market in the United States had encouraged the inshore fishing of the British dominions to a great and profitable extent. Perhaps at this time the British fishermen placed an exaggerated estimate upon the three-mile fisheries, while the American fishermen followed the privilege rather as a convenience and as an exemption from the annoyance and expense of seizure and trial, than as having any very large intrinsic value.

When the Joint High Commissioners proceeded to consider the question of the fisheries three different views were manifest. The British Commissioners desired a restoration of the Reciprocity Treaty, to which the American Commissioners replied that such a concession was impossible. During the discussion to which this refusal led, the American Commissioners declared that the value of these inshore fisheries had been largely over-estimated, and that the United-States Government desired to secure their enjoyment, not for their commercial or intrinsic value, but for the purpose of removing a source of dissension. They intimated that $1,000,000 was the largest

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[1] The following is a complete list of the articles to be admitted in either country from the other *free of all duty*:—

Grain, flour, and breadstuffs of all kinds; animals of all kinds; fresh, smoked, and salted meats; cotton-wool, seeds, and vegetables; undried fruits, dried fruits; fish of all kinds; products of fish, and of all other creatures living in the water; poultry, eggs; hides, furs, skins, or tails, undressed; stone or marble, in its crude or unwrought state; slate; butter, cheese, tallow; lard, horns, manures; ores of metals, of all kinds; coal; pitch, tar, turpentine, ashes; timber and lumber of all kinds, round, hewed, and sawed, unmanufactured in whole or in part; fire-wood; plants, shrubs, and trees; pelts, wool; fish-oil; rice, broom-corn, and bark; gypsum, ground or unground; hewn, or wrought, or unwrought burr or grindstones; dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags.

sum which they would be disposed to offer for the full and permanent use of the inshore fisheries without the addition of any privilege as to the free admission of fish and fish-oil. The British Commissioners considered this to be an entirely inadequate estimate of the value of the fisheries and found insuperable difficulties in the way of an absolute and permanent transfer of the rights.

After prolonged consideration and discussion the American Commissioners finally declared that they were "willing (subject to the action of Congress) to concede the admission of Canadian fish and fish-oil free of duty as an equivalent for the use of the inshore fisheries, and to make the arrangement for a term of years." They were firmly and intelligently of opinion that free fish and free oil to the Canadian fishermen would be more than an equivalent for these fisheries; but they were also willing to agree upon a reference to determine that question and the amount of money-payment that might be found necessary to complete the equivalent — it being understood that the action of Congress would be needed before any payment could be made. This proposition was referred by the British Commissioners to their Government, was accepted by cable, and was at once embodied in the treaty. These articles adopted the language of the Reciprocity Treaty of 1854, recognizing, as it might again be claimed by the British Government, the existence and full force of the Convention of 1818. The Commission then provided for the freedom from duty of Colonial fish and fish-oil, granted reciprocity of inside fisheries to British fishermen, and finally provided that the question of compensation should be referred to three Commissioners.[1]

It would not be just to impute carelessness to the American members of the Joint High Commission in framing the articles of the treaty relating to the fisheries. It is quite evident however that

[1] Article XXII. of the Treaty of Washington is as follows: "Inasmuch as it is asserted by the Government of her Britannic Majesty that the privileges accorded to the citizens of the United States under Article XVIII. of this treaty are of greater value than those accorded by Articles XIX. and XXI. of this treaty to the subjects of her Britannic Majesty, and this assertion is not admitted by the Government of the United States, it is further agreed that Commissioners shall be appointed to determine, having regard to the privileges accorded by the United States to the subjects of her Britannic Majesty, as stated in Articles XIX. and XXI. of this treaty, the amount of any compensation which, in their opinion, ought to be paid by the Government of the United States to the Government of her Britannic Majesty in return for the privileges accorded to the citizens of the United States under Article XVIII. of this treaty; and that any sum of money which the said Commissioners may so award shall be paid by the United-States Government, in a gross sum, within twelve months after such award shall have been given."

they had not closely studied the question, and had allowed the British Commissioners to gain an advantage. It was a mistake to agree to a new confirmation of the treaty of 1818, apparently establishing it as the basis of all our rights and giving to it the authoritative position which the treaty of 1782 originally held and should have continued to hold on this question. We might not be able to annul the treaty of 1818, but it was not wise to forfeit, by the assent of so imposing a body as the Joint High Commission, our right of protest against the injustice of its provisions and to agree practically to the assertion that our fishing-rights began in 1818. But a much graver blunder was committed. Our Commissioners had very justly maintained that the admission of Canadian fish and fish-oil free of duty into the United States would be more than an equivalent for the fishery rights to be conceded by the British Government. They had also maintained that for a concession of those rights in perpetuity the Government of the United States would not be willing to pay more than $1,000,000. Holding these views, believing as they did that we were giving more than we were gaining, the Commissioners nevertheless consented to a reference to determine *how much in addition we should pay to Great Britain*. The agreement certainly should have been to ascertain to which party, if either, a money consideration should be paid. Still further, if they were willing to imply in advance that a money consideration might be due to Great Britain and not to the United States, a maximum limit should have been inserted in the treaty beyond which the American Government would not be willing that any award should extend. But by practically conceding, in the first place, that money should be paid to Great Britain, and by leaving to the Reference to determine the amount without any limit whatever, they offered a great temptation to wrong dealing, against which the United States had reserved no defense and could secure no redress.

Of the three Commissioners referred to in the Article providing for an arbitration, the treaty directed that one should be appointed by the President of the United States, one by Her Britannic Majesty, and the third by the President and Her Britannic Majesty conjointly; and if they could not agree upon the third within a period of three months after the Article should take effect, then "the third Commis-

sioner shall be named by the representative at London of his Majesty the Emperor of Austria and King of Hungary." The legislation necessary to give the Fishery Articles of the treaty full effect having been completed in 1873, Acting Secretary of State J. C. Bancroft Davis, on the 7th of July in that year, notified the British Minister at Washington, Sir Edward Thornton, that in regard to the third Commissioner "the Government of the United States is willing to take the initiative and suggest to her Majesty's Government the names of a number of persons, each one of whom would in the opinion of the President be influenced only by a desire to do justice between the parties." He then proposed (for the consideration of the British Government) the names of the Mexican Minister, the Russian Minister, the Brazilian Minister, the Spanish Minister, the French Minister, and the Minister of the Netherlands, residing at the time in Washington. Mr. Davis advised Sir Edward that they had "omitted the names of those Ministers who have not the necessary familiarity with the English language," and also of those who "*by reason of the peculiar political connection of their governments with Great Britain would probably esteem themselves disqualified for the position.*"

Sir Edward Thornton, being absent from Washington, did not receive the note of Mr. Davis until the 11th of July, when (as he advised him on the 16th) he immediately telegraphed the substance of it to Lord Granville, and dispatched a copy by mail. Five weeks later, on the 19th of August, without any intervening correspondence, Sir Edward (writing from the Catskills) recalled to Secretary Fish that he had spoken to him when last in Washington "on the subject of the Belgian Minister, Mr. Delfosse, being a suitable person as third Commissioner on the Commission which is to sit at Halifax. . . . I had hoped [wrote Sir Edward] that he would have been agreeable to your Government, until I spoke to you upon the subject. I subsequently received a telegram from Lord Granville, desiring me to ascertain whether Mr. Delfosse would be agreeable to the Government of the United States as third Commissioner. . . . *Lord Granville desired me to ask you in his name that you would consent to the appointment of the Belgian Minister*, who, as he believes, would be in all respects a suitable person for the position."

Mr. Fish was utterly astounded by this proposition submitted by Sir Edward Thornton and coming almost as a personal and pressing request from Lord Granville. The one Minister who was regarded

as especially disqualified was Mr. Maurice Delfosse, the representative of Belgium at Washington. The disqualification did not convey a personal reflection upon that gentleman, but was based upon the relations of his government to the Government of Great Britain. The Kingdom of Belgium owed its origin to the armed interposition of Great Britain, and its continuance, to her friendship and her favor. Its first monarch Leopold, who had been but five years dead when the Treaty of Washington was negotiated, had married the Princess Charlotte, daughter of the Prince-Regent of England; he was brother to Queen Victoria's mother, and to Prince Albert's father; he held the rank of Marshal in the British Army, and had been for a long period in receipt of an annual allowance of fifty thousand pounds sterling from the British Exchequer. He was on terms of the most affectionate friendship with the Queen and was her constant and confidential adviser.

His son and successor Leopold II., the reigning monarch, cousin of Queen Victoria, had married an Austrian princess, and the unfortunate Carlotta, widow of the Emperor Maximilian, was his sister. The House of Hapsburg associated the American support of the Mexican President Juarez with the death of Maximilian, and might not be well disposed towards the Government of the United States. It was not therefore an altogether happy circumstance that the Austrian Ambassador in London had been designated as the person to choose a third Commissioner, in the event of the British and American Governments failing to agree in his selection. A sense of honest dealing at the outset had plainly suggested the ineligibility of a Belgian subject to the third Commissionership, and suggested also the impropriety of leaving to the Austrian Ambassador in London the selection of the Commissioner. The narrative will show that the British Government had determined upon the one or the other, and in the end accomplished both.

The reply of Mr. Fish to Sir Edward's extraordinary communication of August 19 was prompt and pointed. In a note of August 21 he courteously affected to believe that a grave mistake had occurred in the transmission of Lord Granville's telegram. He could not believe that Lord Granville, advised of the inability of the Government of the United States to assent to the selection of Mr. Delfosse, would deliberately propose that gentleman. Mr. Fish was sure that there had been "some mis-conveyance of information or instruction, for which the telegraph must have been responsible." He

reminded Sir Edward that in an interview with him in Washington he (Mr. Fish) had declared that "while entertaining a high personal regard for the character and abilities of the Belgian Minister to this country, there are reasons in the political relations between his government and that of Great Britain why the representative of the former could not be regarded as an independent and indifferent arbitrator on questions between the Government of her Majesty and the United States." Mr. Fish still further reminded Sir Edward that during the session of the Joint High Commission, when the question of referring the Fishery dispute to the head of some foreign State was under discussion, Earl de Grey, chairman of the British Commissioners, in proposing several powers, voluntarily said to the American Commissioners, "*I do not name Belgium or Portugal, because Great Britain has treaty arrangements with them that might be supposed to incapacitate them.*"

Five days later Sir Edward advised Mr. Fish that "as the matters which are to be considered by the Commission deeply concern the people of Canada, it was necessary to consult the Government of the Dominion upon the point of so much importance as the appointment of a third Commissioner; and some delay was therefore unavoidable. . . . I have now [continued Sir Edward] the honor to inform you that her Majesty's Government has received a communication from the Governor-General of Canada (Lord Dufferin) to the effect that the Government of the Dominion strongly *objects to the appointment of any of the foreign Ministers residing at Washington as third Commissioner on the above mentioned Commission*, and prefers to resort to the alternative provided by the treaty; namely, to leave the nomination to the Austrian Ambassador at London."

The State Department was justified by this time in considering that the British Government was resorting to devices for delay. Circumstances all pointed in that direction. The Government of the United States had submitted the names of six Ministers, representing countries of which at least four held more intimate relations with Great Britain than with the United States. Specific reasons had been given for not mentioning others. After a totally unreasonable delay (from July 11 to August 19) the English Government responded, *proposing the very name that had originally been objected to by the United States — proposing it with the urgency of a personal request from Lord Granville.* When it was found that our Government would not accept Mr. Delfosse, the intelligence came within a week

that the Canadian Government objected to any foreign Minister, who had been residing in Washington, as third Commissioner. Of course this objection excluded Mr. Delfosse with all the others, for Mr. Delfosse had resided in Washington several years longer than the majority of those who had been proposed by the United States.

Mr. Fish very justly and sharply rebuked this interposition of the Government of Canada. On September 6 he wrote to Sir Edward that "the reference to the people of the Dominion of Canada seems to imply a practical transfer to that Province of the right of nomination which the treaty gives to her Majesty." He informed Sir Edward that "in the opinion of the President, a refusal on his part to make a nomination, or to concur in the conjoint nomination contemplated by the treaty, on the ground that some local interest (that for instance of the fishermen of Gloucester) objected to the primary mode of filling the commission intended by the treaty, might well be regarded by her Majesty's Government as a departure from the letter and spirit of the treaty." Mr. Fish went still farther: "In the President's opinion, such a course on his part might justify the British Government in remonstrating, and possibly in hesitating as to its future relations to the Commission." The rebuke was not too severe, because if the matter was to be left to the judgment of the people of Canada, it would have been far wiser to remand the negotiation originally to the authorities of the Dominion, with whom the United States could probably have come to an agreement much more readily than with the Imperial Government.

On the 24th of September Sir Edward advised Mr. Fish that he was instructed by Earl Granville to propose that "the Ministers of the United States and of her Majesty, at the Hague, should be authorized to see if they could not agree upon some Dutch gentleman to act as third Commissioner, who would be acceptable to both Governments." Mr. Fish replied to Sir Edward, two days later, that in regard to the plan of selecting "some Dutch gentleman," through the American and English Ministers at the Hague, he was directed by the President to say that such mode of appointment "varies from the provisions of the treaty, which has received the Constitutional assent of the Senate. The President, therefore, does not feel himself at liberty to entertain a proposition which would require the conclusion of a new treaty in the Constitutional form before the proposition could be assented to by the United States." Mr. Fish added, with a justifiable brusqueness not often found in his diplomatic

correspondence, that "it is deeply to be regretted that *her Majesty's Government has made no effort to comply with that provision of the Twenty-third Article of the Treaty, whereby it was agreed that the third Commissioner should be named by the President of the United States and her Britannic Majesty conjointly.*"

A reply came from Sir Edward on the 1st of October. To Mr. Fish's charge that no effort had been made on the part of her Majesty's Government, he answered by reminding him that he had proposed Mr. Delfosse, and also "some Dutch gentleman" to be agreed upon by the Ministers of England and the United States at the Hague. Mr. Fish replied on the 3d of October, in a somewhat caustic review of the entire correspondence, in which he clearly proved that "the effort of this Government to carry into execution the provisions of the Twenty-third Article of the treaty have hitherto failed *from no fault or negligence on its part.*" He closed his note by renewing the statement that "the President earnestly hopes that the two Governments will yet agree upon a third Commissioner, and to that end is willing to waive the question of the time within which the joint nomination should be made."

After protracted correspondence Sir Edward advised Mr. Fish that her Majesty's Government considered that the three months having expired, the appointment of the third Commissioner rested with the representative in London of the Emperor of Austria and King of Hungary. Mr. Fish argued to the contrary in a dispatch of October 25th. He was unable to perceive that any right of nomination had passed beyond the control of the two Governments, and still entertained the hope that an effort might be made by her Majesty's Government to agree upon a third Commissioner, in the spirit of the treaty and with the concurrent appointment of the two Governments. Sir Edward replied, on December 2, as instructed by Lord Granville, that "her Majesty's Government, concurring with the Law Officers of the Crown, thinks the Article is explicit as to the appointment of the third Commissioner being left to the Austrian representative in London if not made within a certain date," and added: "Her Majesty's Government, therefore, considers that the Government of the Dominion of Canada might complain if the nomination were not made as provided for by the treaty; and that if the arbitrator were to give a decision unfavorable to Canada great discontent might arise in consequence in the colony." Earl Granville, therefore, asked that the two Governments might agree upon an

"identic note to be addressed to the Austrian Government by the representatives of the United States and Great Britain, requesting that the Austrian embassador at London may be authorized to proceed with the nomination of the third Commissioner."

Having by this dilatory if not tortuous process thrown the choice of the third Commissioner into the hands of the Austrian Ambassador at London, the British Government evidently felt that it had won a great advantage. If that Government had reason to fear the influence of any foreign Minister residing in Washington, — unless he should be one representing a country dependent upon British power for its origin and existence, — it assuredly could not doubt that an Austrian Ambassador, residing in London, instinctively hostile to a Republican government, and cherishing a special grievance against the United States, would lean to the English side of any question submitted to arbitration. Beyond these considerations came the social influences in the richest capital of the world — all favorable to England, all hostile to the United States. Apparently believing that the United States would shrink from presenting the case of the fisheries to a commission in which Great Britain had so manifest an advantage, that Government proposed (before the Commission could sit) to open negotiations looking to a renewal of the Reciprocity Treaty between Canada and the United States. The British authorities had in their own hands, as they naturally supposed, a strong leverage, by which our Government could be coerced, as it had been in 1854, into reciprocity of trade upon other products. It was to be a series of moral coercions, either accomplished or attempted. Coerced into accepting Mr. Delfosse as third Commissioner, we were now to be coerced into a commercial treaty for the benefit of Canada in order to escape the possible award on the fisheries.

What the British Government desired was substantially a renewal of the Reciprocity Treaty of 1854, — fishery clauses included. That treaty had expired in 1866; and to aid in securing its renewal a highly intelligent special Commissioner, Mr. Rothery, was now sent to Washington to aid the British Legation in negotiating such a convention. Success was more easily attained with the Executive department of our Government than with the Legislative. A treaty of reciprocity was agreed upon between Mr. Fish and Sir Edward

Thornton, and duly transmitted to the Senate. If ratified by that body, it would still be incomplete until the consent of the House should be obtained. But it was rejected by the Senate on the 3d of February, 1875; and the two Governments were left to renew the arrangements for the Fishery Commission, which by agreement had not been affected by the postponement resulting from the negotiations for reciprocity.

Various delays hindered the agreement between the two Governments upon an identic note to be addressed to the Austrian Government, requesting the appointment of the third Commissioner by the representative of that Government in London; and it was not accomplished until the winter of 1876–77. Mr. Fish realized by that time that he no longer had the power to prevent the selection of Mr. Delfosse, and that this selection, made against open and avowed opposition, might be especially detrimental to the interests of the United States. Mr. Fish realized also that Count von Beust, the Austrian Ambassador, might select some one even more objectionable than Mr. Delfosse, if that were possible; and he therefore thought it expedient to withdraw his personal objections to that gentleman, and agree to that which he could not change or avert. Upon intimations to that effect Count von Beust named Mr. Delfosse as the third Commissioner. The Canadian Government, whose interests and influence in the matter had been apparently consulted by Lord Granville at every step, and which had been represented as objecting to the appointment of *any Minister accredited to Washington*, gladly approved the selection of Mr. Delfosse, although he was and had been for many years "a Minister accredited to Washington."

The record of this case, as thus shown by the official correspondence, is not creditable to the English Government. If in an arbitration between private persons, either of them should make palpable and avowed effort to secure a particular man — connected with him by kinship and business interests — he would be considered as acting unfairly, the common judgment of the people would condemn him, and the tribunal to which the award was rendered would unhesitatingly set it aside as vitiated, upon proof that advantage had been secured in the selection of the Arbitrators. The English Government would no doubt fall back for its defense upon the acquiescence which was ultimately and reluctantly extorted from Secretary Fish. But the official correspondence shows that Mr. Fish resisted and protested as long as he had power to resist and protest,

and consented when his consent was only a form of courtesy to the gentleman whose appointment had been predetermined by the British Government. It might have been wiser, perhaps, for Mr. Fish to continue his protest to the last, and leave to the British Government no shadow of excuse for its extraordinary and unjustifiable course.

The Fishery Commission met at Halifax, N.S., in the summer of 1877. Sir Alexander T. Galt was the British Commissioner, Honorable Ensign H. Kellogg of Massachusetts was the United-States Commissioner, and Mr. Delfosse was the third. The agent of the British Government was Sir Richard Ford, a member of the British Diplomatic Corps; and the agent of the United-States Government was Honorable Dwight Foster, formerly a judge of the Massachusetts Supreme Court. The British case was represented by five able members of the Colonial Bar, four of whom were Queen's counsel, — Sir W. V. Whiteway of Newfoundland; L. C. Davies, Premier of Prince Edward's Island; J. Doutre of Montreal; C. J. Weatherby of the Province of Nova Scotia; S. R. Thompson of New Brunswick. The American case was represented by the agent, Judge Foster, Richard H. Dana of Massachusetts, and William Henry Trescot of South Carolina, American Secretary of Legation in London under the Presidency of Mr. Fillmore, and Assistant Secretary of State during the Administration of Mr. Buchanan.

The case was elaborately prepared and ably argued on both sides. Reduced to its most simple statement, the contention of the United-States Government was this: that the duty of the Commission was limited; that it was charged with the decision of no political or diplomatic questions; that all such questions had been determined by the high contracting parties in signing the treaty of Washington; and that this Commission was simply a reference for an accounting in a given department of trade. They contended that the value of the inshore fisheries was simply their value as mackerel fisheries; that to estimate one-fourth of the whole mackerel-catch as taken by American fishermen was a liberal, even an extravagant concession on the part of the United States; and that the remission of duty on Colonial fish and fish-oil, which was admitted to be worth $350,000 per annum to the Dominion of Canada, was an ample equivalent.

In presenting the British case every consideration was put forward by the clever men who represented it, to magnify the concession made to the United States. They dwelt at great length upon the thousands of miles of coast thrown open to Americans; upon

the fabulous wealth of the fisheries, where every one caught had, like the fish of the miracle in Scripture, a bit of money in its mouth; upon the fact that the chief resource and variety of fishing lay within the three-mile limit. They managed to obscure the real issue by great masses of confused statistics, and caused the sparsely settled provinces to appear as granting an extraordinary privilege to American fishermen, in allowing their nets to be dried and their fish to be cured on the sands and rocks of their remote and uninhabited coasts.

After the respective cases had been stated and all the evidence and arguments heard it was found that the differences of opinion between the British and the United-States Commissioners were irreconcilable. The decision was therefore left to Mr. Delfosse — as was anticipated from the first. He estimated the superior advantage of the privilege of the inshore Colonial fisheries, over such as were given to British subjects in American waters, at $5,500,000 for their twelve years' use. The result of the negotiation, therefore, was that for twelve years' use of the inshore British Colonial fisheries, which were ours absolutely by the treaty of 1782, we paid to the British Government the award of $5,500,000, and remitted duties to the amount of $350,000 per annum (for the period of twelve years, $4,200,000), besides building up into a profitable and prosperous industry the shore-fishing of Prince Edward's Island, which before the Reciprocity Treaty was not even deemed worthy of computation.

The award was made on the 23d of November, 1877. It produced profound astonishment throughout the United States, accompanied by no small degree of indignation. Rumors in regard to the mode of Mr. Delfosse's appointment became frequent during the ensuing winter; and on the 11th of March, 1878, Mr. Blaine of Maine submitted a resolution in the Senate, requesting the President, if not incompatible with the interests of the public service, to transmit the correspondence which preceded the selection of Mr. Delfosse as third Commissioner. It was promptly given to the Senate and to the public, and increased to a great degree the popular dissatisfaction with the result. For the first time Mr. Delfosse became acquainted with the serious objections made by the Government of the United States to his appointment. It is probable that

if his government had been advised of the facts Mr. Delfosse would never have been subjected to the embarrassment and mortification of serving on the Commission.

In transmitting to Congress the papers relating to the award, on the 17th of May (1878), President Hayes recommended the "appropriation of the necessary sum, *with such discretion in the Executive Government, in regard to the payment, as in the wisdom of Congress the public interests may seem to require.*" The whole matter was referred to the Committee on Foreign Relations, and on the 28th of May the chairman of the Committee, Hon. Hannibal Hamlin, made an elaborate report, reviewing the history of the transaction in a very thorough and impartial manner. He also submitted a resolution, declaring that "the views and recommendations embraced in the report of the Senate Committee on Foreign Relations, touching the award made by the Fishery Commission at Halifax, are hereby approved." The Committee, at the same time, reported a bill appropriating five and a half millions for the payment of the award.

The report of the Committee recommended that "the President of the United States should be authorized to pay the award, if, after correspondence with the Government of Great Britain, he shall, without further communication with Congress, deem that such payment shall be demanded by the honor and good faith of the Nation; and if in pursuance of that conclusion the award shall be paid, the President shall, as soon as may be convenient thereafter, lay the correspondence with the British Government relating thereto before Congress." Mr. Hamlin pointed out in his report the possibility that "the Halifax Commission had proceeded *ultra vires* and taken into consideration certain elements not fairly in the case submitted." "When the King of the Netherlands," said the report, "was selected as umpire in 1827 to settle the North-eastern Boundary dispute between Great Britain and the United States, his award was set aside on the plain and justifiable ground stated by Mr. Clay, then Secretary of State, that his Majesty had recommended a mode of settlement outside of the facts and terms of submission." Had Mr. Delfosse and Mr. Galt proceeded in a similar manner?

Attention was also called by Mr. Hamlin to the fact that the award was made only by two Commissioners, the third dissenting. In the two other Commissions organized under the Treaty of Washington it was specifically provided that a majority of the Commis-

sioners should decide, but in constituting the Fishery Commission no such provision was made. What was the fair inference? Redmond on arbitrations and awards, Francis Russell, and other eminent English authorities, lay down the doctrine that "on a reference to several arbitrators, with no provision that less than *all* shall make an award, each must act, and *all* must act together; and every stage of the proceedings must be in the presence of all, and the award must be signed by all at the same time." The *London Times*, July 6, 1877, just before the Commission was organized at Halifax, had asserted that "on every point that comes before the Fishery Commission for decision, the unanimous consent of all its members is, by the terms of the treaty, necessary before an authoritative verdict can be given." And Mr. Blake, the Minister of Justice for Canada, had declared in 1875 that "the amount of compensation we shall receive must be the amount unanimously agreed upon by the Commissioners."

Mr. Hamlin, representing the Committee on Foreign Relations, was careful not to put the United States in the attitude of repudiating the award. "However much," said the report, "we may regard the award made at Halifax as excessively exorbitant and possibly beyond the legal and proper power of those making it, your Committee would not recommend that the Government of the United States disregard it, *if the Government of her Britannic Majesty, after a full review of all the facts and circumstances of the case, shall conclude and declare the award to be lawfully and honorably due.*" It was aptly added that "the intelligence and virtue of British statesmen cannot fail to suggest that arbitration can only be retained as a fixed mode of adjusting international disputes by demonstrating its efficiency as a method of securing mutual justice and thus assuring that mutual content without which awards and verdicts are powerful only for mischief."

To the resolution approving the report made by Mr. Hamlin, Mr. Edmunds offered an amendment, declaring that "Articles XVIII. and XXI. of the treaty between the United States and Great Britain, concluded on the 8th of May, 1871 (remitting the duties on fish and fish-oil), ought to be terminated at the earliest period consistent with the provisions of Article XXXIII. of the same treaty (providing that the remission should be for ten years)." A brief debate ensued and the resolution, with Mr. Edmunds's amendment, was adopted by a large majority. The bill reported by the committee, appropriating

the five and a half million dollars, was then passed without objection. Congress had now done with the subject, and its final disposition was left to the Executive Department of the Government.[1]

Responding to the judgment of Congress, Mr. Evarts, then Secretary of State, presented the whole argument against the award in a dispatch of September 27, 1878. He was compelled to believe from the magnitude of the award, that considerations foreign to the question submitted had been brought before the Arbitration. He called the attention of Lord Salisbury, who had become Foreign Secretary in the second Disraeli Cabinet, that five fishing-seasons under the treaty had elapsed before the Halifax Commission was organized, and that therefore we had actual statistics showing the value of the privilege conceded to the United States, instead of the conjectural estimates which had been used when the treaty was made. By these actual and careful statistics, it had been found that from the inshore fishing American fishermen had in the five seasons secured 125,961 barrels of mackerel, — worth when packed and ready for exportation $3.75 per barrel, and in the aggregate $472,353. But in this price, as Mr. Evarts explained, "are included the barrel, the salt, the expense of catching, curing and packing, which must all be deducted before the profit is realized. Upon the evidence, a dollar a barrel would be an excessive estimate of *net* profit, and this would give to our fishermen, for the five seasons of the fishery privilege, but $25,000 a year, or for the whole twelve years but $300,000."

Not content to rest his argument upon this statement alone, Mr. Evarts called Lord Salisbury's attention to the fact that if the mackerel be estimated at the most extravagant price of $10 per barrel, and half the sum estimated as *net* profit, the total value of the fishery would be but $125,000 per annum, or $1,500,000 for the twelve years. The only problem therefore, left for the Government of the United States to consider, was whether in exchange for the $5,500,-

[1] The following is the text of the bill appropriating the amount necessary to pay the award: —

"That the sum of five and one-half million dollars, in gold coin, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and placed under the direction of the President of the United States, with which to pay to the Government of her Britannic Majesty the amount awarded by the fisheries commission, lately assembled at Halifax in pursuance of the Treaty of Washington, if, after correspondence with the British Government on the subject of the conformity of the award to the requirements of the treaty and to the terms of the question thereby submitted to the commission, the President shall deem it his duty to make the payment without further communication with Congress."

000 awarded by Mr. Delfosse, and the $4,200,000 of duties remitted to Canada on fish and fish-oil, we were actually to receive a total of $300,000 or $1,500,000? In other words was the loss to the United States by the transaction to be $9,400,000 or $8,200,000?

Lord Salisbury, in his reply, quoted eminent American publicists to show that a majority of the Commission was authorized to make an award. He maintained that the rule in international arbitrations empowered the majority of the arbitrators to decide; but if that be a generally recognized rule, his Lordship should have explained why in the case of the Geneva and Washington arbitrations, (provided for in the same treaty with the Halifax arbitration), the right of the majority to decide was specifically provided for, and was regarded in at least one case *as a concession by the High Commissioners of Great Britain.* His Lordship declined to follow Mr. Evarts "into the details of his argument." He maintained that "these very matters were examined at great length and with conscientious minuteness by the Commission whose award is under discussion." He admitted, with diplomatic courtesy, that "Mr. Evarts' reasoning is powerful," but still in his judgment "capable of refutation." He did not, however, attempt to refute it, but based his case simply on the ground that the award gave the $5,500,000 to England. In all frankness his Lordship should have said that Mr. Delfosse, in his grace and benevolence, gave the large sum to England.

Secretary Evarts, with great propriety, declined to press the points submitted in his dispatch. His only design was to call the attention of the British Government to the extraordinary facts, and leave to the determination of that Government whether any thing should be done to mitigate the glaring and now demonstrated injustice of the award. "The Government of the United States," said Mr. Evarts in closing his dispatch, "will not attempt to press its own interpretation of the treaty against the deliberate interpretation of her Majesty's Government to the contrary." He made no rejoinder to Lord Salisbury, and paid on the day it was due — one year from date of award — the amount adjudged to Great Britain. Every American felt that under such circumstances it was better to pay than to be paid the five and a half millions of dollars.

It is not difficult to understand how Mr. Delfosse was brought to such an extraordinary conclusion, and there has been no disposition in the United States to impute his action to improper motives. The wrong was done when he was selected as third Commissioner,

and the tenacity with which he was urged will always require explanation from the British Government. Mr. Delfosse had spent his life in the Diplomatic service, was not in any sense a man of affairs, and was profoundly ignorant of the fishery question. From the diplomatic point of view he could not understand that the Dominion of Canada should open her inshore fisheries to such a power as the United States without some consideration beyond that of mere commercial demand. Measuring in his own mind the value of such a right on the restricted coast of his own country, it was natural that he should multiply it somewhat in the proportion of the vastly extended coast of British America, now thrown open to the United States. He was further influenced by the claim shrewdly put forward by the British agent and British attorneys that the inshore fisheries were worth $12,000,000 to the United States for the period of the treaty, and the Newfoundland fisheries $2,280,000 in addition. It is difficult to speak of these pretensions with respect, or to treat them as honestly put forward by men to whom all the facts were familiar.

Above all, Mr. Delfosse knew that the Belgian sovereign, whose favor was his own fortune, would earnestly desire a triumph for the British cause. Both sides made strong representations, and presented statistics and tabular statements and elaborate comparisons, which he did not analyze, and perhaps did not understand. England, he knew, had been mulcted in fifteen and a half millions in the Geneva award, and the San Juan controversy had been decided against her by the Emperor of Germany. With the connections and surroundings of Mr. Delfosse he would have been more than human if he had not desired England to triumph in at least one of the questions submitted to arbitration under the Treaty of Washington. But while these circumstances relieve Mr. Delfosse from any imputation upon his personal or official honor, they only render more prominent and more offensive the singular pertinacity with which the British Government insisted upon his appointment as one of the Commissioners in an arbitration that was originally designed to be impartial.

CHAPTER XXVIII.

Forty-sixth Congress. — Extra Sessions. — Organization of House. — Of Senate. — Leading Men in Each. — Democratic Gain in Influence. — Control of Both Senate and House. — Death of Senator Chandler. — Question of Civil Service Reform. — The Patronage of the Government. — Its Illegitimate Influence. — The Question of Chinese Labor. — Legislation thereon.

THE last session of the Forty-fifth Congress closed without making provision for the expenses of the Legislative, Executive and Judicial departments, or for the support of the army. Differences between the two branches as to points of independent legislation had prevented an agreement upon the appropriation bills for these imperative needs of the Government. President Hayes therefore called the Forty-sixth Congress to meet in extra session on the 18th of March (1879). His Administration had an exceptional experience in assembling Congress in extra session. In time of profound peace, with no exigency in the public service except that created by disagreement of Senate and House, he had twice been compelled to assemble Congress in advance of its regular day for meeting.

The House was organized by the re-election of Mr. Randall as Speaker. He received 143 votes to 125 for James A. Garfield, while 13 members elected as Greenbackers cast their votes for Hendrick B. Wright of Pennsylvania. Among the most prominent of the new members were George M. Robeson from the Camden district of New Jersey, who proved to be as strong in parliamentary debate as he was known to be in argument at the bar; Levi P. Morton from one of the New-York City districts, who had all his life been devoted to business affairs and who had achieved a high reputation in banking and financial circles; Warner Miller from the Herkimer district, who was extensively engaged as a manufacturer and had already acquired consideration by his service in the New-York Legislature; Richard Crowley from the Niagara district, a well-known lawyer in Western New York.

— Henry H. Bingham came from one of the Philadelphia districts

with an unusually good record in the war, which he entered as lieutenant in a Pennsylvania regiment and left with the rank of *brevet* Brigadier-General. He served on the staff of General Hancock and was wounded in three great battles. — John S. Newberry was a successful admiralty lawyer from the Detroit district. — Roswell G. Horr, from one of the Northern districts of Michigan, became widely known as a ready and efficient speaker with a quaint and humorous mode of argument.

— Thomas L. Young came from one of the Cincinnati districts. He was a native of Ireland, a private soldier in the Regular Army of the United States before the war, Colonel of an Ohio regiment during the war, and was afterwards elected Lieutenant-Governor of Ohio on the ticket with Rutherford B. Hayes. — Frank H. Hurd, an earnest and consistent advocate of free trade, entered again from the Toledo district. — A. J. Warner, distinguished for his advocacy of silver, came from the Marietta district.

— William D. Washburn, a native of Maine but long a resident in the North-West, came as the representative of the Minneapolis district. Of seven brothers, reared on a Maine farm, he was the fourth who had sat in the House of Representatives. Israel Washburn represented Maine, Elihu B. Washburne represented Illinois, Cadwalader C. Washburne represented Wisconsin. They were descended of sturdy stock and inherited the ability and manly characteristics which had received consideration in four different States.

The Democratic ascendency in the South had become so complete that out of one hundred and six Congressional districts the opposition had only been able to elect four representatives, — Leonidas C. Houck from East Tennessee, Daniel L. Russell of North Carolina, Milton G. Urner of Maryland, and Joseph Jorgensen of Virginia. These were the few survivors in a contest waged for the extermination of the Republican party in the South.

Among the new senators were some well-known public men: —

John A. Logan took his seat as the successor of Governor Oglesby. He had been absent from the Senate two years, and returned with the renewed endorsement of the great State which he had faithfully served in war and in peace. He had been in Congress before the rebellion. He was first a candidate for the House of Representatives

in the year of the famous contest between Lincoln and Douglas, and was a partisan supporter and personal friend of the latter. He changed his political relations when he found himself summoned to the field in defense of the Union. General Logan's services at that time were peculiarly important. He lived in that section of Illinois whose inhabitants were mainly people of Southern blood, and whose natural sympathies might have led them into mischievous ways but for his stimulating example and efforts. The Missouri border was near them on the one side, the Kentucky border on another, and if the Southern Illinoisans had been betrayed, in any degree, into a disloyal course the military operations of the Government in that section would have been greatly embarrassed. General Logan did not escape without misrepresentation at that critical time, but the impartial judgment of his countrymen has long since vindicated his course as one of exceptional courage and devoted patriotism. His military career was brilliant and successful, and his subsequent course in Congress enlarged his reputation. Indeed no man in the country has combined a military and legislative career with the degree of success in both which General Logan has attained.

— George H. Pendleton, who had served in Congress during the administrations of Mr. Buchanan and Mr. Lincoln, retired temporarily from political life after his unsuccessful canvass for the Vice-Presidency on the ticket with General McClellan in 1864. He was the Democratic candidate for Governor of Ohio in 1869, against Rutherford B. Hayes, and now returned to the Senate as the successor of Stanley Matthews. He entered with the advantage of a long career in the House, in which, as the leader of the minority during the war, he had sustained himself with tact and ability.

— Nathaniel P. Hill, a native of New York, a graduate of Brown University and afterwards professor of chemistry in the same institution, a student of metallurgy at the best schools in Europe, became a resident of Colorado as manager of a smelting company, in 1867. He soon acquired an influential position in that new and enterprising State, and now took his seat in the Senate as the successor of Mr. Chaffee.

— Henry W. Blair, already well known by his service in the House, now entered the Senate; and Orville H. Platt of Connecticut, who had never served in Congress, came as the successor of Mr. Barnum.

Southern men of note were rapidly filling the Democratic side of the Senate chamber: Wade Hampton had taken a very conspicuous part in the Rebellion, had assisted in its beginning when South Caro-

lina was hurried out of the Union. He immediately joined the Confederate Army, where he remained in high command until the close of the war, after which he took active part in the politics of his State and was elected to the Governorship in 1876. An extreme Southern man in his political views, he was in all private relations kindly and generous. His grandfather Wade Hampton was engaged in two wars for the Union which the grandson fought to destroy. He was with the men of Sumter and Marion during the Revolutionary war, and was a major-general in the war of 1812, commanding in Northern New York. At his death in 1835 he was believed to be the largest slave-holder in the United States, owning it was said three thousand slaves.

— George G. Vest, a native of Kentucky, was one of the few gentlemen who had occupied the somewhat anomalous position of representing in the Confederate Congress a State that had not seceded. He was a member of both House and Senate at Richmond. He was a good debater, of what is known as the Southern type; logical, direct, forcible, withal showing certain peculiarities of style and phrase characteristic of graduates from Transylvania University.

— Zebulon B. Vance was born and reared in Buncombe County, North Carolina. He belonged originally to that conservative class of Southern Whigs whose devotion to the Union was considered steadfast and immovable. He was a representative in Congress during Mr. Buchanan's Administration, adhering to the remnant of the Whig party, which went under the name of "American" in the South. He joined the Confederate Army immediately after the war began, and a year later was elected Governor of his State. He became extensively known through the North, first by the rumors of his disagreements with Jefferson Davis during the war, and afterwards by Horace Greeley's repeated reference, in the campaign of 1872, to his "political disabilities" as an illustration of Republican bigotry. He has been noted as a stump-speaker and as an advocate. Since the war he has been so pronounced a partisan as in some degree to lessen the genial humor which had always been one of his leading personal traits.

— John S. Williams of Kentucky succeeded Thomas C. McCreery in the Senate. He had gained much credit when only twenty-seven years of age as Colonel of a Kentucky regiment in the Mexican war; but when the rebellion broke out he joined the Confederates and

served as a Brigadier-General in the army of General Joseph E. Johnston. It was said of him, as of many other Southern men of character and bravery, that they had gallantly borne the flag of the Union in foreign lands and the flag of Disunion at home. The genial nature of General Williams won for him in Congress many friends beyond the line of his own party.

Mr. Chandler of Michigan succeeded Mr. Delano as Secretary of the Interior in the Cabinet of President Grant in the autumn of 1875, a few months after his retirement from the Senate. He returned to the Senate in less than two years from the close of President Grant's Administration. Mr. Christiancy resigned to accept the mission to Peru, and Mr. Chandler resumed his old seat on the 22d of February, 1879. He exhibited his full strength, physically and mentally, taking active part at once in the debates, and in the extra session of March, 1879, assuming to a large extent the lead. In the long discussion on the Army Bill he made a brief speech, which for force and point excelled any of his previous efforts. In the campaigns of the ensuing summer and autumn he was invited to almost every Northern State, and exerted himself for too long a period. He died suddenly at Chicago on the night of November 1, after having addressed a vast audience in the evening. He had nearly completed his sixty-sixth year, and was apparently in the vigor of life. His active political career embraced about twenty-five years, and was added to a business life of unusual industry and prosperity. The appreciation of his public character and the strong attachment of his personal friends were shown in the eulogies pronounced in both Senate and House. At the moment of his death Mr. Chandler had no doubt the most commanding political position he ever held. He was a man of strong intellect, strong will, and rugged integrity.

For the first time since the Congress that was chosen with Mr. Buchanan in 1856, the Democratic party was in control of both branches. In the House, with their Greenback allies, they had more than thirty majority; in the Senate they had six. But under a Republican President they were able to do little more than they had already effected with their control of the House. With one branch they could hold in check any legislation to which they were opposed, and even with the control of both branches, if they fell short of two-thirds in either they could be checked in any legislation which was in conflict with the Constitutional views and opinions of

the President. There was, however, a certain line of legislation to which the mass of Republicans might be opposed, and which might at the same time harmonize with the conservative views of the President. And this they could accomplish.

The main point of difference which had caused the failure of the Army Bill in the previous Congress was an amendment insisted upon by the Democratic majority in the House concerning "the use of troops at the polls," as the issue was popularly termed. It would be unjust to the Republicans to say that they demanded military aid with the remotest intention of controlling any man's vote. It was solely with the purpose of preventing votes from being controlled, and especially of preventing voters from being driven by violence from the polls. But as has been already set forth in these pages, public opinion in the United States is hostile to any thing that even in appearance indicates a Government control at elections, and most of all a control by the use of the military arm. The majority of Representatives seemed to prefer that voters by the thousand should be deprived by violence of the right of suffrage, rather than that their rights should be protected by even the semblance of National authority present in the person of a soldier.

It was demonstrated in the debate that it was only the semblance of National authority which was present in the South. The number of troops scattered at various points through the Southern States was not so large as the number of troops in the Northern States, and, as was readily shown, did not amount on an average to one soldier in each county of the States that had been in rebellion. But this fact seemed to have no weight; and the Democrats, having a majority in both Senate and House, now appended to the Army Appropriation Bill the amendment upon which the House had insisted the previous session: "that no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation or compensation of any portion of the Army of the United States to be used as a police force to keep peace at the polls at any election held within any State." As this enactment was in general harmony with the Southern policy indicated by President Hayes upon his inauguration, he approved the bill; and the elections in several of the Southern States were thenceforth left, not to the majority of the voters, but to the party which had the hardihood and the physical resources to decree any desired result. But it was well known to all familiar with political struggles in the South that

the white men were not required to use force after the protection of the National Government was withdrawn. Colored voters were not equal to the physical contest necessary to assert their civil rights, and thenceforward personal outrages in large degree ceased. The peace which followed was the peace of forced submission and not the peace of contentment. Even that form of peace was occasionally broken by startling assassinations for the purpose of monition and discipline to the colored race.

The reform of the Civil Service of the National Government occupied a considerable share of public attention during the administration of President Grant and was still further advanced under President Hayes. The causes which led to the necessity of reform are more easily determined than the measures which will effect a cure of admitted evils. When the Federal Government was originally organized, the President and Vice-President, Senators and Representatives, were specifically limited in their term of service. The Federal judges were appointed for life. All other officers were appointed without any limit as to time, but, according to the decision of Congress, were removable at pleasure by the Executive. During the administrations of General Washington and John Adams, covering the first twelve years of the Federal Government, there were practically no removals at all. Partisan spirit was developed in the contest of 1800 and the change of public opinion installed Mr. Jefferson as President.

There is no reason to doubt that Mr. Jefferson's personal views in regard to removals from office were as conservative as those of his two predecessors, but he was beset for place in an extraordinary manner by the hosts of eager applicants who claimed to have contributed to his triumph over John Adams, and who, like their successors in the later days of the Republic, demanded their reward. Mr. Jefferson, entertaining the belief that it was not fair that all the offices should be held by the Federalists, began a series of removals. There was great outcry against this course by conservative men, who were averse to the removal of competent and faithful public servants; and before Mr. Jefferson had proceeded far in his scheme of equalization it became widely known, through a letter which he had written in defense of his course in removing the Collector of Customs at New Haven, that he was intending to remove only a sufficient number

to give his own supporters a fair proportion of places under the Government.

As soon as this design was perceived it seems to have occurred to the office-holders, most of whom had taken no decided stand upon political issues, that they could effect the partition more readily than Mr. Jefferson, by simply avowing themselves to be members of the party that had elected him. There were certainly many instances of political conversion among the office-holders of a character which would to-day subject the incumbents of Federal place to personal derision and public contempt. But the effect was undoubted; for between the clamor of those opposed to the system of removal and the ready transfer of political allegiance on the part of those already in place, Mr. Jefferson abandoned the whole effort to change the public service *after the removal of forty-seven officers*. Thenceforward, under his administration and under the administrations of Mr. Madison and Mr. Monroe, removals were so few as scarcely to be noted, and were made only upon the proof or the presumption of a justifying cause.

In 1820 a change was wrought which ultimately affected, to a serious extent, the tenure of office under the General Government. Thirty-one years had passed since the Constitution was adopted, and during that whole period there had only been some sixty-five removals from office. It was inevitable, therefore, that a considerable proportion of the incumbents had by reason of age become somewhat unfit for the discharge of their duties. Many of them were Revolutionary officers and soldiers, the youngest of whom must have been verging upon threescore and ten. No provision had yet been made for retiring disabled officers of the army, and pensioning the civil list was not even dreamed of. What, then, should be done with these old men who had been holding office for so long a period? Mr. Monroe was opposed, on principle, to removals from office, and was too kindly disposed to disturb men who had strong patriotic claims, and who had personal need of the emoluments they were receiving.

As the Executive Department would take no step for relief, Congress initiated action, and passed a bill which Mr. Monroe approved on the 15th of May, 1820, declaring that "all district attorneys, collectors of customs, naval officers and surveyors of customs, navy agents, receivers of public monies for lands, registers of the land offices, paymasters in the army, the apothecary-general, the assistant apothecaries-general, the commissary-general of purchases, to be ap-

pointed under the laws of the United States, shall be appointed for the term of four years, and shall be removable from office at pleasure." It was further enacted that all commissions of these officers bearing date prior to September 30, 1814, "shall cease and expire on the day of their dates occurring next after the following 30th of September;" and others were made to expire after four years from the date thereof.

The Cabinet of Mr. Monroe contained at that time three able men, each ambitious for the Presidency — John Quincy Adams, Secretary of State; William H. Crawford, Secretary of the Treasury; John C. Calhoun, Secretary of War. As there was much opposition to the four-year law, the friends of Mr. Calhoun and of Mr. Adams united in imputing its authorship to Mr. Crawford, whose Department included far the largest share of Executive patronage. The accusation was openly made that Mr. Crawford intended to use the offices of the Treasury Department to promote his political fortunes; and the friends of Mr. Calhoun and of Mr. Adams, seeing that their chiefs had no corresponding number of offices to dispose of, found their resource in virtuous denunciation of the selfish schemes projected by Mr. Crawford. But there appears to have been no substantial ground for the imputation — the official registers of the United States showing that between the date of the Act and the year 1824 (when Mr. Crawford's candidacy was expected to ripen) only such changes were made in the offices of the Treasury Department as might well have been deemed necessary from causes of age and infirmity already referred to. Besides, Mr. Crawford during all the period was in ill-health, with ambition chastened, and strength constantly waning.

President John Quincy Adams, following Mr. Monroe, maintained the conservative habit already established as to removals, — depriving very few officers of their commissions during the four years of his term, and those only for adequate cause. With the inauguration of General Jackson in 1829, and the appointment of Mr. Van Buren as Secretary of State, the practice of the Government was reversed, and the system of partisan appointments and removals, familiar to the present generation, was formally adopted. It became an avowed political force in those States where the patronage of the Government was large. It had no doubt a special and potential influence in the political affairs of New York where the system had its chief inspiration, where the "science" of carrying elections was first devised

and has since been continuously improved. The system of partisan removals was resisted by Mr. Clay, Mr. Calhoun, Mr. Webster, and all the opponents of the Democratic party as then organized; but it steadily grew, and became the recognized rule under the well-known maxim proclaimed by Mr. Marcy in the Senate of the United States in 1832: "*To the victors belong the spoils.*" In two years President Jackson had made ten times as many removals as all his predecessors had made in forty years.

When the Whigs came into power by the election of 1840, President Harrison discussed the question of patronage and its abuse, not merely as tending to strengthen one political party against the other, but as building up the power of the Executive against the Legislative Department. Nevertheless with all the denunciations of the leaders and the avowals of the new President, it is not to be denied that the Whigs as a party desired the dismissal of the office-holders appointed by Jackson and Van Buren. From that time onward, although there was much condemnation of the evil practice of removing good officers for opinion's sake, each party as it came into power practiced it; and prior to 1860 no movement was made with the distinct purpose of changing this feature of the civil service.

The Administration of Mr. Lincoln was prevented by the public exigencies from giving attention to any other measures than those necessary for the preservation of the Union, and during the war no change was made or suggested as to the manner of appointment or removal. The first step towards it was announced in Congress on the 20th day of December, 1865, when Mr. Thomas A. Jenckes of Rhode Island introduced a bill in the House "to regulate the civil service of the United States." A few months later, in the same session, B. Gratz Brown, then a senator from Missouri, submitted a resolution for "such change in the civil service as shall secure appointments to the same after previous examination by proper Boards, and as shall provide for promotions on the score of merit or seniority." While he remained in Congress Mr. Jenckes annually renewed his proposition for the regulation of the civil service, but never secured the enactment of any measure looking thereto.

Neither of the two great political parties recognized the subject as important enough to be incorporated in their platforms, until 1872, when the National convention of the Republican party declared that "any system of the civil service under which the subordinate positions of the Government are considered rewards for mere party zeal is fatally

demoralizing, and we therefore demand a reform of the system by laws which shall abolish the evils of patronage and make honesty, efficiency, and fidelity essential qualifications for public positions, without practically creating a life tenure of office." Thenceforward the subject found a place in the creed of the party. But even prior to this declaration of a political convention, Congress had on the 3d of March, 1871, appended a section to an appropriation bill, authorizing the President "to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote efficiency therein and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service in which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service."

Under this authority President Grant organized a Commission composed of Messrs. George William Curtis, Joseph Medill, Alexander G. Cattell, Davidson A. Walker, E. B. Ellicott, Joseph H. Blackfan, and David C. Cox. But the Commissioners soon found that Congress was indisposed to clothe them with the requisite power, and that public opinion did not yet demand the reform. Their good intentions were therefore frustrated and the Commission was unable to move forward to practical results. When President Hayes came into power he sought to make reforms in the Civil Service by directing competitive examinations for certain positions, and by forbidding the active participation of office-holders in political campaigns. The defect of this course was that it rested upon an Executive order, and did not have the permanency of law. The next President might or might not continue the reform, and all that was gained in the four years could at once be abandoned.

The settled judgment of discreet men in both political parties is adverse to the custom of changing non-political officers on merely political grounds. They believe that it impairs the efficiency of the public service, lowers the standard of political contests, and brings reproach upon the Government and the people. So decided is this opinion among the great majority of Republicans and among a very considerable number of Democrats, that the former method of appointment will always meet with protest and cannot be permanently re-established. The inauguration of a new system is hindered somewhat by an honest difference of opinion touching the best methods

of selecting subordinate officers. Competitive examination is the method most warmly advocated, and on its face appears the fairest; yet every observing man knows that it does not always secure the results most to be desired. Nothing is vouched for more frequently by chiefs of Government bureaus, than that certain clerks who upon competitive examination would stand at the head do in point of efficiency and usefulness stand at the foot.

Another point of difference is in regard to the power of instant removal, many of the most pronounced reformers of the civil service holding that power to be essential, and believing that it will not be abused so long as the removing power cannot arbitrarily appoint the successor. The matured opinion of others is that a tenure of office definitely fixed for a term of years, during which the incumbent cannot be disturbed except upon substantial written charges, will secure a better class of officials. They hold that a subordinate officer is stripped of his manhood by the consciousness that he may at any moment be removed at the whim or caprice of some one superior in station. It too often brings sycophants into the Government Departments, and excludes men of pride and character. On the question of a life tenure there is a similar division of opinion, which logically follows the two positions just stated. A life tenure cannot be adopted as a rule, unless pensions for a civil list shall follow.

There is also a belief with many who are most anxious to improve the civil service, that the political influence of Government patronage, as applied to the whole country, has been constantly misunderstood and therefore exaggerated. At certain places where the customs and postal services are large the appointing power can no doubt wield great influence. New-York City is the strongest illustration of this; and in less degree a similar influence is recognized at all the large cities of the country, especially the cities of the seaboard. But even at those points the political influence of the Federal patronage is far less than that of the municipal patronage. During the many years that the patronage, both of National and State governments, has been in the hands of the Republicans in New York, the municipal patronage, steadily wielded by the Democrats, has been far more potential in controlling elections. And throughout the United States to-day the patronage controlled by municipal governments largely outweighs in the aggregate that of the General and State Governments at all points where they come in conflict.

Towards the close of President Hayes' Administration the total

number of men connected with the Postal service of the United States was about 64,000. Excluding mail contractors and mail messengers (whose service is allotted to the lowest bidder), the number subject to political influence was nearly 49,000. Of these, 5,400 had salaries under $10 per annum each; 19,400 others had salaries under $100 per annum each; 11,500 others had salaries under $500 per annum each; 8,100 others had salaries under $1,000 per annum each; 3,300 others had salaries under $1,600 per annum each; 700 others had salaries under $2,000 per annum each; 400 others had salaries under $3,000 per annum each; 84 had salaries under $4,000 per annum each. Only 14 had salaries of $4,000, and 2 (the Postmaster-General and the postmaster at New York) had $8,000 per annum each. In a majority of the Congressional districts of the United States there is scarcely any patronage known except that of postmasters; and when more than one-half of the total number of Postmasters have salaries under $100 per annum each, the political influence derived therefrom cannot be great.

The remaining officers of the United States were at the same period about 21,000 in number. The mass of these were in the Customs and Internal Revenue, and in the various Executive Departments at Washington. They had a larger average of salary than those engaged in the Postal Service. But one-half of the whole number had less than $1,000 per annum each, and less than one-tenth had salaries in excess of $2,000 per annum. Large salaries under the Federal Government are extremely few in number. Excluding the Federal Judiciary, whose members are appointed for life, and excluding senators and representatives, who are elected in their respective States, there are not more than one hundred and fifty officials under the National Government whose respective salaries equal or exceed $5,000 per annum. The emolument cannot be regarded as large in a country that opens so many avenues to fortune, and the places of this highest grade cannot be regarded as numerous when (in 1879–81) there were not more than three of them to every million inhabitants of the Republic.

While these figures demonstrate that the civil service of the United States is moderately paid, they also demonstrate that it can be more easily modified than if the emoluments were greater. A correct apprehension of an evil is the first step towards its remedy, and it is a serious mistake to apply to the interior States and the rural districts the imputations and accusations which justly lie

against the service where of necessity a large number of officers are brought together. If lack of zeal is found in many sections of the country on this subject, it is because the people are never brought in contact with the evils, the abuses, and the corruptions which are well known to exist at points where the patronage is large, and where consequently many citizens are struggling for place.

No reform in the civil service will be valuable that does not release members of Congress from the care and the embarrassment of appointments; and no boon so great could be conferred upon senators and representatives as to relieve them from the worry, the annoyance, and the responsibility which time and habit have fixed upon them in connection with the dispensing of patronage, all of which belongs under the Constitution to the Executive. On the other hand the evil of which President Harrison spoke — the employment of the patronage by the Executive to influence legislation — is far the greatest abuse to which the civil service has ever been perverted. To separate the two great Departments of the Government, to keep each within its own sphere, will be an immeasurable advantage and will enhance the character and dignity of both. A non-political service will be secured when Congress shall be left to its legitimate functions, when the President shall not interfere therewith by the use of patronage, and when the responsibility of appointments shall rest solely with the Department to which the Organic Law of the Republic assigns it.

The rapid settlement of California, stimulated as it was by the discovery of gold, attracted a considerable immigration from China. Industrious and patient laborers, the Chinese were found useful to the pioneers; and they received for their work a degree of compensation many fold greater than they had ever realized in their native land, yet far below the average wages of an American laborer. The treaty relations between China and the United States, negotiated originally by Caleb Cushing in 1844 and afterwards by William B. Reed in 1858, did not contemplate the immigration into either country of citizens or subjects of the other. But in 1868 the treaty negotiated by Mr. Seward as Secretary of State and Mr. Burlingame, acting as Minister Plenipotentiary for China, recognized the right of the citizens of either country to visit or reside in the other, specially excluding in both, however, the right of naturalization.

Upon Mr. Seward's urgent request the following stipulation was inserted in the Fifth Article of the Treaty: "*The high contracting parties join in reprobating any other than an entirely voluntary emigration.* . . . They consequently agree to pass laws making it a penal offense for citizens of the United States or Chinese subjects to take Chinese subjects either to the United States or to any foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any foreign country *without their free and voluntary consent respectively.*"

The treaty was negotiated in Washington on the 28th of July, 1868; but the ratifications were not exchanged until November, 1869. Fear of the evils that might result from it followed so closely upon its conclusion that General Grant, in his first annual message (December, 1869), gave this warning: "I advise such legislation as will forever preclude the enslavement of Chinese upon our soil under the name of coolies, and also to prevent American vessels from engaging in the transportation of coolies to any country tolerating the system." In his message of December, 1874, the President recurred to the subject, informing Congress that "the great proportion of the Chinese emigrants who come to our shores *do not come voluntarily* to make their homes with us or to make their labor productive of general prosperity, but *come under contracts* with head men who own them almost absolutely. *In a still worse form does this apply to Chinese women.* Hardly a perceptible percentage of them perform any honorable labor, but they are brought here for shameful purposes, to the disgrace of the communities where they are settled and to the great demoralization of the youth of those localities. If this evil practice can be legislated against, it will be my pleasure as well as duty to enforce any regulation to secure so desirable an end." In his message of December, 1875, he again invited the attention of Congress to "the evil arising from the importation of Chinese women, but few of whom are brought to our shores to pursue honorable or useful occupations."

These repeated communications to Congress by the President were based upon accurate information furnished from California, where the condition of Chinese immigrants had created grave solicitude in the minds of leading citizens. So serious, indeed, had it become in the view of the people of California, that the Legislature of that State, in January, 1876, memorialized Congress in favor of a modification of the treaty with China, for the purpose of averting the grave evils threatened from immigration — carried on against

the letter and spirit of the treaty. Before appealing to Congress California had attempted the accomplishment of this end through laws of her own; but the Supreme Court of the United States had decided that the subject was one within the exclusive jurisdiction of Congress, and hence the State could do nothing to protect itself against what a large majority of its citizens regarded as a great danger. On the 20th of April, 1876, Mr. Sargent of California submitted a resolution, asking the Senate to "recommend to the President to cause negotiations to be entered upon with the Chinese Government to effect such change in the existing treaty between the United States and China as will lawfully permit the application of restrictions upon the great influx of Chinese subjects to this country." A few days later Mr. Sargent addressed the Senate at length on the whole subject of Chinese immigration in California, and presented in full detail the grievances of which the people on the Pacific Coast complained.

The Senate, reluctant to take at once so decisive a step as was involved in Mr. Sargent's resolution, adopted a substitute, moved by Mr. Morton of Indiana, directing that "a committee of three senators be appointed to investigate the character, extent, and effect of Chinese immigration to this country." It was afterwards enlarged by being changed into a joint committee with the addition of two members from the House. Mr. Morton of Indiana, Mr. Sargent of California, and Mr. Cooper of Tennessee were the senatorial members; Mr. Piper of California and Mr. Meade of New York were the Representatives on the joint committee. The Committee made a thorough examination of the question, visiting California and devoting a large part of the Congressional recess to the duty. Their report embraced a vast amount of information touching the Chinese immigrants in California, their religion, their superstitions, their habits, their relations to the industrial questions, to trade and to commerce. A large number of the reports were printed but nothing further was done for the session.

In the succeeding Congress, the first under President Hayes, the subject was kept alive in both branches, in the first and second sessions, by the introduction of bills and resolutions; but no conclusions were reached until the last session. Early in December (1878) a bill was introduced by Mr. Wren of Nevada, "to restrict the immigration of Chinese into the United States," and was referred to the Committee on Education and Labor. It was reported to the House

by Mr. Willis of Kentucky on the 14th of January, and on the 28th, after brief debate (maintained in the affirmative by the California members and in the negative principally by Mr. Dwight Townsend of New York), the bill was passed by *ayes* 155, *noes* 72, considerably more than two-thirds voting in the affirmative.

The bill called forth prolonged debate in the Senate. The senators from California (Mr. Booth and Mr. Sargent), Mr. Thurman, Mr. Mitchell of Oregon, and Mr. Blaine, took the leading part in favor of the bill; while Mr. Hamlin, chairman of the Committee on Foreign relations, Mr. Conkling, Mr. Hoar, and Mr. Stanley Matthews, led in opposition. The bill passed the Senate by *ayes* 39, *noes* 27. The principal feature of the measure was the prohibiting of any vessel from bringing more than fifteen Chinese passengers to any port of the United States, unless the vessel should be driven to seek a harbor from stress of weather. The bill further requested the President to give notice to the Emperor of China of the abrogation of Articles V. and VI. of the Burlingame treaty of 1868. A large portion of the debate was devoted to this feature of the bill, — the contention on one side being that fair notice, with an opportunity for negotiation, should be given to the Chinese Government, and on the other, that as the treaty itself contained no provision for its amendment or termination, it left the aggrieved party thereto its own choice of the mode of procedure.

The argument against permitting Mongolian immigration to continue rested upon facts that were indisputable. The Chinese had been steadily arriving in California for more than a quarter of a century, and they had not in the least degree become a component part of the body politic. On the contrary, they were as far from any assimilation with the people at the end of that long period as they were on the first day they appeared on the Pacific Coast. They did not come with the intention of remaining. They sought no permanent abiding-place. They did not wish to own the soil. They built no houses. They adhered to all their peculiar customs of dress and manner and religious rite, took no cognizance of the life and growth of the United States, and felt themselves to be strangers and sojourners in a country which they wished to leave as soon as they could acquire the pitiful sum necessary for the needs of old age in their native land. They were simply a changing, ever renewing, foreign element in an American State. They were ready to work at a rate of wages upon which a white man could not subsist and support a

family. Theirs was in all its aspects a servile labor, — one which would inevitably degrade every workman subjected to its competition. To encourage or even to permit such an immigration, would be to dedicate the rich Pacific slope to them alone and to their employers — in short, to create a worse evil in the remote West than that which led to bloody war in the South. The number at home was great. The cost of landing a Chinaman at San Francisco was less than the cost of carrying a white man from New York to the same port. The question stripped of all disguises and exaggerations on both sides, was simply whether the labor element of the vast territory on the Pacific should be Mongolian or American. Patriotic instinct, the sense of self-preservation, the importance of having a thorough American sentiment dominant on the borders and outposts of the Republic, all demanded that the Pacific coast should be preserved as a field for the American laborer.

President Hayes vetoed the bill rather upon the ground of its abrogation of a treaty without notice, than upon any discussion as to the effects of Chinese labor. He did not doubt that the legislation of Congress would effectually supersede the terms of the treaty, but he saw no need for a summary disturbance of our relations with China. Upon the communication of the veto to the House a vote was taken thereon without debate; and upon the question of passing the bill despite the objections of the President, the *ayes* were 110, the *noes* 96. A considerable number of gentlemen who voted for the bill on its passage had meanwhile changed their views, and they now voted to sustain the veto. Among the most conspicuous of these were Mr. Aldrich of Rhode Island, Mr. Abram S. Hewitt of New York, Mr. Blair of New Hampshire, Mr. Landers of Indiana, and Mr. Townsend of Ohio. Finding his veto sustained by Congress, President Hayes opened negotiations with the Chinese Empire for a modification of the treaty. To that end he dispatched three commissioners to China, gentlemen of the highest intelligence, adapted in every way to the important duties entrusted to them, — James B. Angell, President of Michigan University, also appointed Minister Plenipotentiary to China, John F. Swift of California, and William Henry Trescot of South Carolina. They negotiated two treaties; one relating to the introduction of Chinese into the United States, and one relating to general commercial relations. Both treaties were ratified by the Senate, and laws restricting the immigration of Chinese were subsequently enacted.

Some of the objections to the importation of Chinese on the Pacific coast apply to certain types of laborers that have been introduced in the Atlantic States from Hungary and other European countries. Where the labor is contracted for in Europe at a low price and brought to the United States to produce fabrics that are protected by customs duties, a grave injustice is done to the American laborer, and an illegitimate advantage is sought by the manufacturer. Protective duties should help both labor and capital, and the capitalist who is not willing to share the advantage with the laborer is doing much to break down the protective system. That system would indeed receive a fatal blow if it should be demonstrated that it does not secure to the American laborer a better remuneration than the same amount of toil brings in Europe. Happily the cases of abuse referred to are few in number and have perhaps proved beneficial in the lesson they have taught and the warning they have evoked. The allegation that the exclusion of the Chinese is inhuman and unchristian need not be considered in presence of the fact that their admission to the country already provokes conflicts which the laws are unable to restrain. The bitterest of all antagonisms are those which spring from race. Such antagonisms can be prevented by wise foresight more easily than they can be cured after their development is either intentionally or carelessly permitted.

President Johnson made no appointments to the Supreme Bench during his Administration. In 1870 President Grant appointed William Strong of Pennsylvania and Joseph P. Bradley of New Jersey Associate Justices. The former was an addition to the Court; the latter succeeded Robert C. Grier. In 1872 he appointed Ward Hunt of New York to succeed Samuel Nelson. In 1873 he appointed Morrison R. Waite Chief Justice to succeed Salmon P. Chase, who died in May of that year. In 1877 President Hayes appointed John M. Harlan of Kentucky to succeed David Davis, and in 1880 William Woods of Georgia to succeed William Strong (retired). President Hayes nominated Stanley Matthews to succeed Noah Swayne, but the Senate not acting on the nomination, it was renewed by President Garfield, and Mr. Matthews was confirmed in 1881.

CHAPTER XXIX.

Presidential Election of 1880. — Third Term suggested. — Chicago Convention. — Exciting Contest. — Many Ballotings. — Nomination of General Garfield. — Democratic Convention. — Nomination of General Hancock. — The Contest. — The Result. — The Solid South. — Its Meaning. — Its Effect. — Its End. — Review of the Twenty Years. — Progress of the People. — Majesty of the Republic.

DURING the latter years of General Grant's Presidency there had been some suggestion of his election for a third term. The proposition, however, did not meet with favor. Several State Conventions passed resolutions declaring as a matter of principle that two terms should be the limit for any President. General Grant himself discountenanced the movement and eventually ended it for the canvass of 1876 by writing a public letter announcing that he was not and would not be a candidate.

As the election of 1880 approached, the project was revived with every evidence of a more deliberate design and a more determined and persistent effort on the part of its chief promoters. General Grant had just finished a memorable tour around the world, and had everywhere been received with signal tributes of respect and admiration from the rulers and people of foreign lands. The honors of all countries had stimulated the pride of his own country. He returned to the Pacific shore and traversed the whole continent with the welcome and acclaim of the people whom he had so greatly served in war and in peace. In the flush of this popular enthusiasm some of the foremost men of the Republican party united in a movement to make General Grant the Republican candidate for President. A combination which included Senators Conkling, Cameron and Logan, with their dominant personal influence and political force, and which aimed at the consolidation of the three great States of New York, Pennsylvania and Illinois, presented a formidable front.

The leaders of the movement had to a certain extent misappre-

hended public opinion. With all the respect and affection for the illustrious commander of the Union armies, there was a deep and earnest feeling against a third term. This sentiment was not personal to General Grant. The contentions which had marked his Presidential career had died away. The errors charged against him had been well-nigh forgotten, and the real merits and achievements of his Administration were better appreciated than at an earlier period. His absence from the country for three years had softened whatever asperities had grown out of political or factional differences, and had quickened anew the grateful sense of his inestimable services in the war. There was no fear that General Grant would abuse a trust, however frequently or however long he might be invested with it. But the limit of two terms had become an unwritten part of the code of the Republic, and the people felt that to disregard the principle might entail dangers which they would not care to risk. They believed that the example of Washington if now reinforced by the example of Grant would determine the question for the future, and assure a regular and orderly change of rulers, which is the strongest guarantee against the approach of tyranny.

While it was altogether probable that the feeling among the people against a third term would be stimulated by other aspirants to the Presidency, it was altogether impossible that they could create the feeling. The interesting question at issue was whether the precedents of the Government should be discredited. The National Convention was to meet in June, but as early as February State Conventions were called in Pennsylvania and New York to choose delegates, with the intention of securing unanimity in favor of General Grant's nomination. The rights of Congressional districts to select their own delegates had been indirectly affirmed in the National Convention of 1876, when the Unit Rule was overridden and the right of each individual delegate to cast his own vote was established. But against this authoritative monition the design now was to have the States vote as a unit, and accordingly the Conventions in both the great States adopted instructions to that effect. The opposition to this course was very strong, the resolutions being carried in Pennsylvania by a majority of only twenty, while in New York, in a total vote of three hundred and ninety-seven, the majority was but thirty-eight. The delegations of both States included men who were known to be opposed to General Grant's nomination and who represented districts avowedly in accord with that view, but it was hoped by the

leaders that the assumption of the State Conventions to pass instructions might control individual judgment.

The action of the Pennsylvania and New York Conventions increased the public agitation. A strong conviction that their proceedings had been precipitated and did not reflect the true judgment of the Republican masses was rapidly developed in both States. In New York the *Tribune*, the *Albany Journal*, the *Utica Herald* and other influential papers led an earnest protest and opposition. In Pennsylvania the *Philadelphia Press*, through the zeal of its chief proprietor, Mr. Calvin Wells, a leading iron-manufacturer of Pittsburg, seconded by other strong journals, gave voice to the decided and growing public feeling against acquiescing in any attempt to prevent a perfectly free representation. In the North-West the *Chicago Tribune*, and in the middle West the *Cincinnati Commercial*, not only resisted the mode of electing delegates in the large States but directly and vigorously assailed the policy of presenting General Grant for a third term. In the midst of this popular discussion came explicit declarations from individual delegates in both States that they would not be bound by any unit rule and should represent the will of their immediate constituencies. William H. Robertson was the first in New York to make public announcement of this purpose, and James McManes of Philadelphia led the movement in Pennsylvania. The opposition spread to other States that had not yet held their conventions, in many of which the prevailing methods of party action permitted more freedom.

One of the last States to act was Illinois, and her Convention became the arena of a stormy contest. The majority in that body assumed authority to elect all the National delegates, without regard to the voice or vote of Congressional districts; and after a long and stubborn struggle it named a complete delegation, overriding in nine of the districts the duly accredited choice of a clear majority of the undisputed local representatives in each district. This proceeding was justified on the one hand as only the exercise of the supreme power of the State Convention, and condemned on the other as trampling on the right of district representation; and thus the issue in its most distinct form was brought before the National Tribunal for settlement.

A large concourse of delegates and other active Republicans gathered in Chicago in advance of the time appointed for the National Convention. The assemblage is memorable in political annals for its

large number of able men, for its brilliant displays of oratory, for its long duration, and for its arduous struggle. From the United States Senate came Mr. Conkling, General Logan, George F. Hoar, J. Donald Cameron, Preston B. Plumb, William Pitt Kellogg, and Blanche K. Bruce. Of the men soon to enter the Senate were Benjamin H. Harrison of Indiana, Eugene Hale and William P. Frye of Maine, William J. Sewall of New Jersey, Omar D. Conger of Michigan, Dwight M. Sabin of Minnesota, and Philetus Sawyer of Wisconsin. General Garfield, who already held his commission as senator-elect, led the Ohio delegation, with Governor Foster and Ex-Governor Dennison among his colleagues. Five of General Grant's Cabinet Ministers were on the roll of the Convention, — Mr. Boutwell of Massachusetts, Mr. Creswell of Maryland, Mr. George H. Williams of Oregon, Mr. Edwards Pierrepont of New York, and Mr. Cameron (already named with the senators). Among other delegates of distinction were Chester A. Arthur of New York, Henry C. Robinson of Connecticut, Governor Martin of Kansas, General Beaver and Colonel Quay of Pennsylvania, William Walter Phelps of New Jersey, William E. Chandler of New Hampshire, Emory A. Storrs of Illinois, Governor Warmoth of Louisiana, Governor Henderson and J. S. Clarkson of Iowa, President Seelye and Henry Cabot Lodge of Massachusetts. Probably no other Convention since that which nominated Mr. Clay in 1844 has contained a larger number of eminent public men.

The two men who from the first especially attracted observation were Mr. Conkling and General Garfield. By intellectual force, by ardent zeal and earnest advocacy, and by common recognition, Mr. Conkling was the master spirit and became the acknowledged leader of those who desired the nomination of General Grant. General Garfield bore little part in the management, and was not there to represent the main body of those who opposed General Grant's candidacy. But the anti-Grant delegates, though divided as to candidates, naturally made common cause, and in the parliamentary contests of the Convention the personal and intellectual ascendency of General Garfield made him, though in a less active and aggressive sense, the recognized leader of the opposition. Around the two chiefs clustered the loyalty and the expectations which are always associated with leadership, and the appearance of each, day by day towering above his fellows, was the signal for an outburst of applause from friends and followers.

The preliminary meeting of the National Committee portended serious trouble. The organization was adverse to the sentiment of the majority, and there was some fear that in the heat of contest the just bounds of authority might be overstepped. Happily the points in dispute were satisfactorily adjusted through frank conference and a common understanding. Senator Hoar of Massachusetts, in whose fairness and ability both sides had full confidence, was accepted by common consent for temporary chairman, and the Convention was organized without any conflict. In calling the vast assembly to order as chairman of the National Committee, Senator Cameron bespoke a friendly spirit; and the speech of Senator Hoar, on taking the chair, was a compact and forcible contrast of the career and record of the two great parties of the country. With the appointment of the committees necessary to complete the organization, the first day of the Convention closed.

The delegations from the respective States named their own members of the several committees, and their composition and votes upon these questions indicated the division of the States upon the main issue. In the Committee on Credentials Mr. Conger, supported by the anti-Grant members, was chosen chairman by a vote of 29 to 11 for Mr. Tracy of New York. In the Committee on Permanent Organization, Senator Hoar had 31 votes for permanent President, against 9 for Mr. Creswell of Maryland. The Committee on Rules made General Garfield chairman. It was known that apart from the balloting for President, the great struggle would come in the Committee on Credentials, and upon its report when made to the Convention. The Committee had several contests to deal with besides the important Illinois case. The examination of these cases consumed two days, and meanwhile the Convention could do little beyond completing the formalities. It converted the temporary into the permanent organization, and on the evening of the second day, the Committee on Credentials being still at work, Mr. Henderson of Iowa moved that the Committee on Rules be requested to report. An extended and spirited debate ensued, the one side contending for immediate action and the other for delay. General Sharpe of New York offered a substitute that the Committee on Credentials be ordered to report. The substitute was lost by 318 *ayes* to 406 *noes*, and the vote was regarded as a measurably fair test of the relative strength of the Grant and anti-Grant forces. On the call of the roll the full vote of Alabama was announced for the substitute.

One of the delegates protested that he desired his vote recorded against it, and the President of the Convention so ordered. This decision broke at the outset any attempt to enforce the Unit Rule, and affirmed the absolute right of the individual delegate to cast his vote at his own pleasure and upon his own responsibility. It was accepted without appeal, and thus the law of Republican Conventions was established. The substitute being defeated, the original motion was laid upon the table, and the Convention adjourned until the next day.

At the opening of the third day Mr. Conkling offered a resolution that "as the sense of the Convention every member is bound in honor to support its nominee, whoever the nominee may be; and that no man should hold a seat here who is not ready to so agree." On a call of the roll the resolution was adopted with but three dissenting votes, which came from West Virginia. Thereupon Mr. Conkling offered a resolution, declaring in effect that the delegates who voted that they would not obey the action of the majority "have forfeited their votes in the Convention." Mr. Campbell, editor of the *Wheeling Intelligencer*, the most prominent of the three who had voted no, defended their action. He expected to support the nominee of the Convention, but would not agree in advance that whatever it might do should have his endorsement. The discussion was becoming very animated, when General Garfield, in an unimpassioned speech, recalled the Convention to the real question and warned delegates against committing an error. He said that those who voted in the negative had indicated their purpose to support the candidate, but did not think it wise to pass the resolution. "Are they," he asked, "to be disfranchised because they thought it was not the time to make such an expression? That is the question and that is the whole question. We come here as Republicans and we are entitled to take part in the proceedings of this Convention; and as one of our rights we can vote on every resolution, *aye* or *no*. We are responsible for these votes to our constituents, and to them alone. There never was a convention, there never can be a convention, of which I am one delegate, equal in rights to every other delegate, that shall bind my vote against my will on any question whatever." General Garfield insisted that the delegates had acted within their rights, and appealed to Mr. Conkling to withdraw his resolution, which he finally consented to do. This brief and earnest speech made a deep impression upon the Convention.

The report on contested States was now presented by Senator Conger, and led to a debate and a struggle lasting through the larger part of two days. The Committee had examined cases involving the seats of fifty delegates and alternates. After eliminating those about which there could be no reasonable dispute and upon which a unanimous conclusion was reached, the final issue involved three delegates from Alabama, eighteen from Illinois, two from West Virginia, and four from Kansas. In all of these cases the decision rested upon the principle of district representation. The majority of the Committee accepted that principle as the established law of Republican Conventions, and reported in favor of the delegates chosen under it. The minority of the Committee, representing fourteen States and led by Mr. Tracy of New York, reported against the delegates elected on the district plan, and sustained the authority of the State Conventions to overrule the choice of the district representatives. The issue of district representation was thus clearly and sharply presented. The first case in order was that of Alabama, and after full debate a motion to substitute the report of the minority for that of the majority was defeated, the *ayes* being 306, the *noes* 449. The Convention thus re-affirmed the cardinal doctrine of district representation. The case of Illinois, which had excited more interest than all others, next came up. The discussion was prolonged and animated, and the result was not reached until nearly two o'clock in the morning. Nine districts were at stake, but the vote was taken on each separately, and the delegates chosen in the districts were admitted by a vote of 387 to 353. In the cases of West Virginia and Kansas there was some dispute as to the facts, but they were decided upon the same principle according to the best understanding of the Convention.

The report of the Committee on Rules, which had already been submitted by General Garfield, was now taken up. The proposed rules embraced simply verbal changes from those of 1876, and only one change of substance. This was an addition to rule eight, relating to cases where the vote of a State is divided. The old rule prescribed that where the vote was divided the chairman of the delegation should announce the number of votes cast for any candidate or for or against any proposition. The Committee reported in favor of adding the following: "but if exception is taken by any delegate to the correctness of such announcement by the chairman of his delegation, the President of the Convention shall direct the roll of mem-

bers of such delegation to be called, and the result shall be recorded in accordance with the votes individually given." This amendment was designed to protect the vote of the individual delegate. It was a final blow at the Unit Rule, and aimed to reduce the precedents and decisions of former conventions to plain and unambiguous language.

The minority of the Committee, representing eleven States, reported against any change of rule. As soon, however, as the two reports were submitted to the Convention, and before they were discussed, General Sharpe of New York, who led the minority, moved that the Convention proceed at once to ballot for candidates for President and Vice-President. This was urged upon the plea of saving time, and upon the ground that nothing else remained to be done; but General Garfield pointed out, with his habitual clearness, that such action would leave the Convention without any regulations to determine the method of procedure or to decide controversies. Under the influence of his forcible argument General Sharpe's proposition was lost by a vote of 479 to 276. The rules, as reported by the majority, were then adopted, with an amendment that "the National Committee shall prescribe the method or methods for the election of delegates to the National Convention to be held in 1884, provided that nothing in the method or rules so prescribed shall be construed to prevent the several districts of the United States from selecting their own delegates to the National Convention." The overthrow of the Unit Rule and the establishment of district representation were thus finally secured.

Mr. Pierrepont of New York reported the platform. It recounted the achievements of the party and re-affirmed its accepted principles. No one issue was treated as overmastering. Protection, which became the controlling question of the campaign, was presented only by repeating the avowal of 1876. The restriction of Chinese immigration was approved. The Democratic party was charged with sustaining fraudulent elections, with unseating members of Congress who had been lawfully chosen, with viciously attaching partisan legislation to Appropriation Bills, and with seeking to obliterate the sacred memories of the war. "The solid South," it was declared, "must be divided by the peaceful agencies of the ballot; and all honest opinions must there find free expression." The platform, as reported, was silent on the subject of Civil-Service Reform; and Mr. Barker of Massachusetts offered an amendment

"that the Republican party adopts the declaration of President Hayes, that the reform in the civil service shall be thorough, radical, and complete, and to that end demands the co-operation of the Legislative with the Executive Departments of the Government." The amendment was carried, and the platform adopted.

It was now late Saturday afternoon, and the Convention had already extended through four days. The session of Saturday evening, devoted to the presentation of Presidential candidates, was dramatic and stirring. The vast Exposition Hall was packed with ten thousand interested and eager observers. The contending partisans were alert for every advantage and enthusiastic in every demonstration. — Mr. Blaine was first placed in nomination by Mr. Joy of Michigan, seconded by Mr. Pixley of California and Mr. Frye of Maine. — When Mr. Conkling rose to present the name of General Grant, the vast audience gave him an enthusiastic welcome; and his powerful and eloquent speech was followed by prolonged and generous applause. — As General Garfield moved forward to nominate John Sherman, he was the object of general and hearty admiration. His dignified bearing, his commanding ability, his persuasive eloquence, and his manifest spirit of fairness had made a profound impression on the Convention. His present speech deepened that feeling. It was a dispassionate appeal from the swelling tumult of the moment "to the calm level of public opinion." — The name of Senator Edmunds was presented by Mr. Frederick Billings of Vermont. — Elihu B. Washburne was presented by Mr. Cassoday of Wisconsin, and William Windom by Mr. Drake of Minnesota. The speakers had not been the only actors of the evening. The audience took full part. The scenes of tumultuous and prolonged applause when the two leading candidates were named has never been equaled in any similar assemblage. It was nearly midnight of Saturday when the Convention adjourned.

With the opening of Monday's session the voting began. The first ballot gave Grant 304, Blaine 284, Sherman 93, Edmunds 34, Washburne 30, Windom 10, Garfield 1. Twenty-seven ballots followed without material change, when the Convention adjourned until the next day. On Tuesday morning the twenty-ninth ballot exhibited no variation, except that Massachusetts transferred the majority of its votes from Edmunds to Sherman, reducing the former to 12 and raising the latter to 116. On the thirtieth ballot Sherman advanced to 120 and Windom fell to 4. The next three ballots

were substantially the same. On the thirty-fourth ballot Wisconsin cast 16 votes for General Garfield, and the great body of delegates at once saw that the result was foreshadowed. On the thirty-fifth ballot Indiana, following Wisconsin, cast 27 votes for Garfield, and scattering votes carried his aggregate to 50. The culmination was now reached. As the thirty-sixth ballot opened, the delegations which had been voting for Blaine and Sherman changed to Garfield. The banners of the States were caught up and massed in a waving circle around the head of the predestined and now chosen candidate, who sat pale and motionless in his seat with the Ohio delegation. The scene of enthusiasm and exultation long delayed the final announcement, which gave Garfield 399 votes, Grant 306, Blaine 42, Washburne 5, Sherman 3. The nomination was immediately made unanimous on motion of Mr. Conkling. For Vice-President Elihu B. Washburne, Marshall Jewell, Thomas Settle, Horace Maynard, Chester A. Arthur, and Edmund J. Davis were placed in nomination, and General Arthur was chosen on the first ballot by a vote of 468 to 193 for Mr. Washburne and some scattering votes for other candidates.

The result of the Convention was generally accepted as a happy issue of the long contest. The nomination of General Garfield was unexpected but it was not unwelcome. It was not an escape from the clash of positive purposes by a resort to a negative and feeble expedient. General Garfield was neither an unknown nor an untried man. For twenty years he had been prominent in the public service, both civil and military, and for ten years he had ranked among the foremost Republican leaders. No statesman of the times surpassed him in thorough acquaintance with the principles of free government, in knowledge of the legislative and administrative history of our own country, and in intelligent grasp of the great questions still at issue. In eloquence, culture, and resources he had few peers. His ascendency in the Convention was so marked as to turn all eyes towards him. His conspicuous part in the debates of Congress, his numerous popular addresses, had made him familiar to all the people. He represented the liberal and progressive spirit of Republicanism without being visionary and impractical, and his nomination was accepted as placing the party on advanced ground.

General Arthur was a graduate of Union College and a member of the New-York Bar. He was prominently connected with Governor Morgan's Administration during the war and gained great

credit for the manner in which he discharged his important duties as Quartermaster-General of the State. He subsequently held for several years the responsible and influential position of Collector of Customs for the port of New York. During the period of his service he collected and paid into the Treasury more than a thousand millions of dollars in gold coin. He had wide acquaintance with the public men of the country and had long enjoyed personal popularity. As a citizen of New York and a conspicuous advocate of President Grant's nomination his selection met with general favor.

The Democratic Convention met at Cincinnati on the 22d of June (1880). The preliminary canvass and discussion had not indicated a prevailing choice. The only definite policy anywhere suggested was that the position of the Democratic party demanded the renomination of Mr. Tilden for the Presidency, and that a failure to present him as a candidate would be equivalent to withdrawing the allegation and argument of the Electoral fraud. But to this plea the forcible answer was made that the discreditable attempts of Mr. Tilden's immediate circle upon the returning boards of the disputed States had compromised his candidacy and injured his party; and on this ground a strong opposition was made to his nomination. Mr. Tilden himself settled the question by writing an extended and ingenious letter a few days before the Convention, declining to be a candidate. Their immediate choice being unavailable, his New-York followers made a strenuous effort to control the nomination, first for Henry B. Payne of Ohio, and next for Samuel J. Randall of Pennsylvania. The candidates were numerous, but the leading places were held by General Hancock and Senator Bayard.

The Convention was promptly organized with Judge Hoadly of Ohio as temporary chairman, and Senator Stevenson of Kentucky as permanent President. A ballot was reached on the second day. The South was almost evenly divided between Bayard and Hancock. New England preferred Hancock to Bayard. The West showed no preponderance for either, and was broken among many candidates. New York was solidly for Payne, but made little impression because Payne's own State of Ohio stood for Senator Thurman. Judge Field of California and William R. Morrison of Illinois had the support of their own States, with a few scattering votes. The multiplicity of

candidates indicated the lack of a definite sentiment and a clear policy. The first ballot gave Hancock 171, Bayard 153½, Payne 81, Thurman 68½, Field 65, Morrison 62, Hendricks 49½, Tilden 38, with a few votes to minor candidates. On this test the Convention adjourned for the day, and during the night combinations already inaugurated were fully completed, by which Hancock's nomination was made certain. The next day opened with the announcement that New York had withdrawn Payne and fixed upon Randall as its choice, but it was too late. The second roll-call ended without a decision, but before the result was declared Wisconsin changed to Hancock. This was followed by a similar move from New Jersey, and immediately State after State joined in his support until he had 705 votes, — leaving of the whole Convention but 30 for Hendricks and 2 for Bayard. William H. English of Indiana, who had served in Congress during Mr. Buchanan's administration, was nominated for Vice-President. The platform, in marked contrast with the elaborate document of the preceding campaign, was a compact and energetic statement of the Democratic creed. It embodied a fatal declaration in favor *of a tariff for revenue only*, made vehement utterance on the alleged election fraud of 1876, demanded honest money of coin or paper convertible into coin, and gave a strong pledge against permitting Chinese immigration.

General Hancock's nomination was greeted with heartiness amounting to enthusiasm. He had received a military education at West Point; he had been brevetted in the Mexican war for gallant conduct at Contreras and Cherubusco. In the war for the Union he had acquired high rank as a commander. He distinguished himself throughout the Peninsular campaign and at Antietam. He added to his fame on the decisive field of Gettysburg. He was with Grant during most of the campaign which was crowned with final triumph at Appomattox, and bore a conspicuous part on its bloody fields. Brave, gallant, and patriotic, a true soldier and a chivalrous gentleman, he was a worthy representative of that faithful and honorable class of "War Democrats," who in the time of the Nation's peril stood for the flag and for the integrity of their country. There were many of that type, who allowed no political differences to restrain them from doing their full share towards the preservation of the Union; and no duty is more grateful than that of recognizing their loyal services. General Hancock was at their head, and no partisan distinctions or subsequent political differences can diminish the re-

spect in which he is deservedly held by every loyal lover of the Union of the States.

The campaign did not open altogether auspiciously for the Republicans. The September election for Governor and members of the Legislature in Maine had resulted adversely. The Republican party in that State, owing to a large defection on the greenback issue and a coalition of all its opponents, had been defeated in 1878 by more than 13,000 majority. In 1879 the lost ground was in large part regained, but the party, while electing the Legislature, was again outnumbered on the popular vote. In 1880 the re-action in favor of the Republicans had not begun in any State as early as September. The issue on the Protective Tariff had not yet been debated, and Maine, though giving a majority of 6,000 in the Presidential election, lost the Governorship in September by 164 votes. As a victory had been confidently expected by the country at large, the failure to secure it had a depressing effect upon the Republican party.

The discouragement however was but for a day. Re-action speedily came, and the party was spurred to greater efforts. There was also a change in the issues presented, and from that time the industrial question monopolized public attention. The necessity of special exertion in the October States led to a very earnest and spirited canvass in Ohio and Indiana. The Democratic declaration in favor of a tariff for revenue only was turned with tremendous force against that party. A marked feature of what may be termed the October campaign was the visit of General Grant to Ohio and Indiana, accompanied by Senator Conkling. The speeches of the two undoubtedly exerted a strong influence, and aided in large part to carry those States for the Republicans.

From this day forward the contest was regarded as very close, but with the chances inclining in favor of the Republicans. In the hope of counteracting the effect of the argument for a Protective Tariff in winning the industrial element of the country to Republican support, the Democratic managers concocted one of the most detestable and wicked devices ever conceived in political warfare. A letter, purporting to have been written by General Garfield, and designed to represent him as approving Chinese immigration to compete with home labor, was cunningly forged. This so-called "Morey letter," in which the handwriting and signature of the Republican candidate were imitated with some skill, was lithographed and spread broadcast about two weeks before the election.

General Garfield promptly branded the letter as a forgery and the evidences of its character were speedily made clear. Nevertheless active Democratic leaders continued to assert its genuineness, and Mr. Abram S. Hewitt was conspicuous in giving the weight of his name to this calumny, until the force of the accumulating proof constrained him to admit in a public speech, that the text of the letter was spurious, while still maintaining, against General Garfield's solemn denial, that the signature was genuine. The prompt action of General Garfield and his friends did much to render this crafty and dangerous trick abortive, but there was not sufficient time to destroy altogether the effect of its instant and wide dissemination. The forgery cost General Garfield the electoral votes of New Jersey and Nevada and five of the six votes of California. He carried every other Northern State, while General Hancock carried every Southern State. The final result gave to Garfield 214 electoral votes against 155 for Hancock.

The salient and most serious fact of the Presidential election was the absolute consolidation of the Electoral vote of the South; not merely of the eleven States that composed the Confederacy, but of the five others in which slaves were held at the beginning of the civil struggle. The leading Democrats of the South had been steadily aiming at this result from the moment that they found themselves compelled by the fortunes of war to remain citizens of the United States. The Reconstruction laws had held them in check in 1868; the re-action against Mr. Greeley had destroyed Southern unity in 1872; it had been assumed with boastful confidence, but at the last miscarried, in 1876; and now, in 1880, it was finally and fully accomplished. The result betokened thenceforth a struggle within the Union far more radical than that which had been carried on from the formation of the Constitution until the secession of the South.

During the first half of this century Southern statesmen had demanded and secured equality of representation in the Senate. Its loss in 1850 was among the causes which led them to revolt against National authority. But even the equality of representation was for a section and not for a party, and its existence did not prevent the free play of contests on other issues. Partisan divisions in the South upon tariff, upon bank, upon internal improvement, between

Whig on the one side and Democrat on the other, were as marked as in the North. Southern men of all parties would unite against the admission of a Northern State until a Southern State was ready to offset its vote in the Senate, but they never sought to compel unity of opinion throughout all Southern States upon partisan candidates or upon public measures. The evident policy in the South since the close of the civil war has been, therefore, of a more engrossing and more serious character. It comprehends nothing less than the absolute consolidation of sixteen States, — not by liberty of speech, or public discussion, or freedom of suffrage, but by a tyranny of opinion which threatens timid dissentients with social ostracism and suppresses the bolder form of opposition by force.

The struggle which this policy invites, nay which it enforces, is as much a moral as a political struggle. It is not a contention over measures. It is a contest for equal rights under the Constitution, for simple justice between citizens of the same Republic. Nor is the struggle hopeless. Re-action will come in the South itself. The passion and prejudice which influence men who were defeated in the war cannot be transmitted to succeeding generations. Principle will re-assert itself; local and state interest will command a change. The signs even now are hopeful. The personal relations between men of the South and men of the North are more amicable than they have been for sixty years. Diversity of employment, the spirit of industrial enterprise, the unification of financial interests, will tend more and more to assimilate the populations, more and more to enforce an agreement, if not as to measures, yet assuredly as to methods. No man in the North, valuing the freedom for which a great war was waged, desires to control the vote of a single individual in the South. He only desires that every individual in the South, as in the North, shall control his own vote, and when that is done the result, whatever it may be, will always be cheerfully accepted. Contention between sections, divided by a fixed line, is the most undesirable form of political controversy. It is also the most illogical. But consolidation on one side tends naturally and always to consolidation on the other side. The growth of the country will ultimately effect an adjustment, but the reason of men should not wait for the mere power of numbers to settle questions which properly belong in the domain of reason alone.

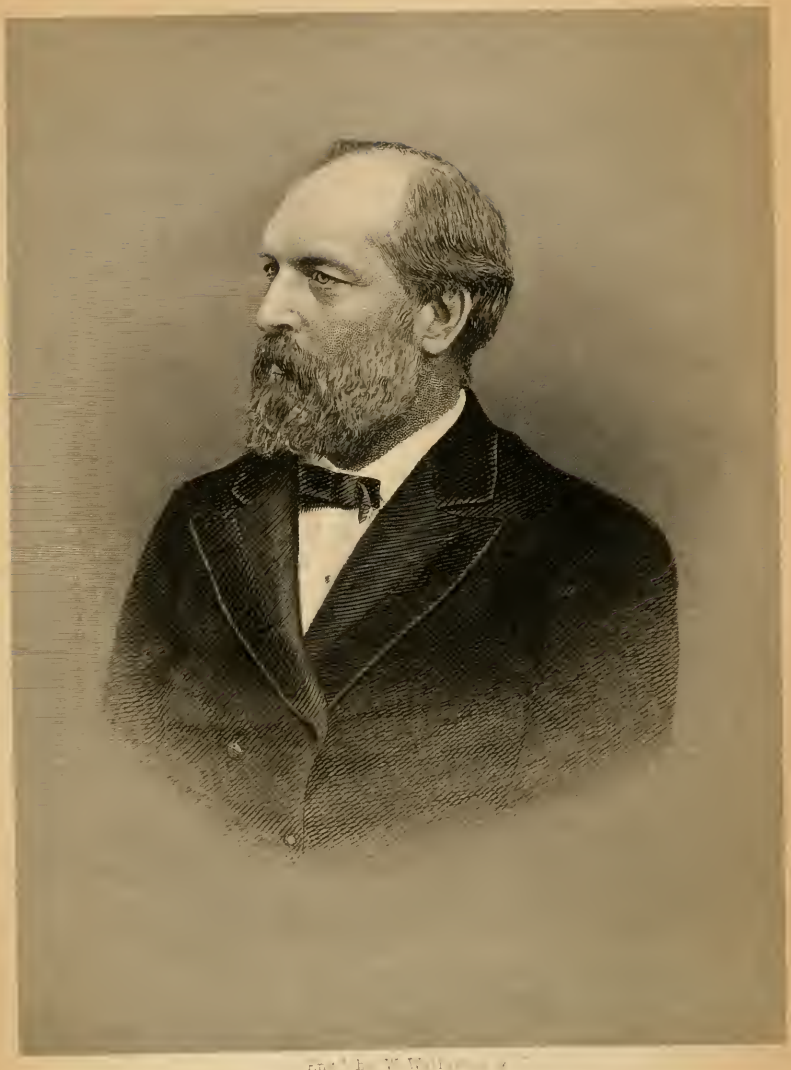
Nor do the Southern leaders seem ever to have correctly estimated the political force that is to come from the predestined in-

crease of numbers. Aside from the vast growth of population in the new States and Territories of the North-West, the increase of the colored race in the South must arrest attention. In the lifetime of those now living, that class of the population will reach the enormous aggregate of five and twenty millions. As this increase continues, no policy could possibly be devised so fatal to Southern prosperity as that which Southern leaders have pursued since the close of the war. Ceasing to be a slave the colored man must be a citizen. He cannot be permanently held in a condition between the two. He cannot be remanded to slavery. His numbers will ultimately command what should now be yielded on the ground of simple justice and wise policy.

The twenty years between 1861 and 1881 are memorable in the history of the Congress of the United States. Senators and Representatives were called upon to deal with new problems from the hour in which they were summoned by President Lincoln to provide for the exigencies of a great war. They confronted enormous difficulties at every step; and if they had failed in their duty, if they had not comprehended the gravity and peril of the situation, if they had faltered in courage, or had been obscured in vision, the Union of the States might have been lost, the progress of civilization on the American Continent checked for generations. With the National arms triumphant, with the Union of the States made strong, the American people, in the quiet of domestic peace, in the enjoyment of wide-spread prosperity, should not forget the dangers and sacrifices which secured to them their great blessings.

— The first demand of war is money. So great was the amount required that Congress provided and the Executive expended a larger sum in each year of the civil struggle than the total revenues of the Government had been for the seventy-two years elapsing between the inauguration of Washington and the inauguration of Lincoln.

— When the power of the Nation was challenged, the Army was so small as scarcely to provide an efficient guard for the residence of the Chief Magistrate against a hostile movement of the disloyal population that surrounded him. Congress provided for the assembling of a host that grew in magnitude until it surpassed in numbers the largest military force ever put in the field by a European power.



Engd by W. Wallace

J. A. Garfield

— A domestic institution whose existence had menaced the peace of the country for forty years, and now threatened the National life, was either to receive renewed strength by another compromise, or was to be utterly overthrown and destroyed. Congress had the foresight, the philanthropy, the courage to choose the latter course, and to transform four millions of slaves into four millions of citizens.

— Triumphant in the struggle of arms, Congress had the statesmanship and persistence to bind up in the Organic Law of the Republic the rights which victory had secured, and to provide against the recurrence of a rebellion which imperiled the existence of free institutions.

The action of Congress and the spirit that inspired it were but the action and spirit of the loyal people. A common danger awakened them to a sense of their aggregate strength, and that awakening proved to be the beginning of a new progress. Prolonged peace and quiet in a country, even of our large resources, had engendered the habit of caution, of economy, of extreme conservatism. The dominance of the State-rights' school had created in the minds of the people a distrust of the power of the General Government, — a fact which no doubt was taken into the calculations of those who revolted against its authority. As an illustration of the weakness of administration under their lead, it may be recalled that during the years of Mr. Buchanan's Presidency, — and indeed during a part of the Presidency of Franklin Pierce, — the project of a Pacific Railroad had been considered, and year after year abandoned, because of the argument, first, that the National Government had no power to contribute to its construction; and, second, that the hundred millions of dollars required to complete it was a sum beyond the power of the Government to expend. In contrast with the chronic irresolution and timidity which delayed an enterprise that would strengthen the bonds of the Union, the administration of Mr. Lincoln, in the midst of gigantic outlays for the war, authorized the building of the Pacific Railroad, and successfully used the Government credit to complete it in less time than the State-rights' leaders had been abortively debating the question in Congress.

— It is difficult to estimate the progress of the people of the United States in intelligence and in wealth since the close of the civil struggle. When evidence is so voluminous it is not easy to select a unit of comparison that shall succinctly present the truth. Perhaps the extension of postal facilities is the most significant measure of the

intellectual activity of a people. From the formation of the National Government in 1789 to the beginning of the war in 1861, the total receipts from postages amounted to $182,000,000. From 1861 to 1881 the total receipts from postages amounted to $433,000,000. But even these figures do not exhibit the full contrast of the popular use of the post-office for transmission of papers and letters, — because the whole of the latter period was on the basis of low postage, and the larger part of the former period was on the basis of high postage.

— Comparisons in industrial development are so numerous as not to be readily and compactly stated. Economists consider that the material advance of a people is measured more accurately by the consumption of iron than by any other single article. Assuming this to be a test, the progress of the American people in wealth is beyond precedent. The production and use of iron between the years 1861 and 1881 were many fold greater than during the entire preceding century.

— The increased ratio in the construction of railroads gives some conception of the progress of wealth. The miles of rail in 1861 within the United States were 31,286, while in 1881 they were 103,334. It is no exaggeration to say that the construction and repair of railway lines in the twenty years preceding 1881 involved an expenditure of money larger than the total National debt at the close of the war.

— Nor have these twenty years been distinguished only by the acquisition of wealth. No period of history has been more marked by generous expenditure for worthy ends. The provision made for those who suffered in the civil war has perhaps no parallel at home or abroad. The comparative poverty of the country after the close of the Revolutionary war may account for the inadequate assistance to those who had suffered in the struggle for independence. The same cause, though in less degree, existed after the war of 1812. The pensions paid to the sufferers in both wars, including those of the Mexican war (when the country had made great advance in wealth), amounted in all, from 1789 to 1861, to the sum of $80,000,000; whereas from 1861 to 1881 the sum of $516,000,000 was paid to those who had claim upon the bounty, rather upon the justice, of the Government.

— The twenty years form indeed an incomparable era in the history of the United States. Despite the loss of life on the part of both North and South the Republic steadily gained in population for the entire

period, at the rate of nearly a million each year; and each year there was added to the permanent wealth of the people $1,500,000,000; — a fact made all the more surprising when it is remembered that they were at the same time burdened with the interest on the National debt, of which they discharged more than eleven hundred millions of dollars of the principal within the period named.

Such progress is not only unprecedented but phenomenal. It could not have been made except under wise laws, honestly and impartially administered. It could not have been made except under an industrial system which stimulated enterprise, quickened capital, assured to labor its just reward. It could not have been made under the narrowing policy which assumes the sovereignty of the *State*. It required the broad measures, the expanding functions, which belong to a free *Nation*. Not simply to the leading statesmen of the Senate and the House, but to Congress as a whole, in its aggregate wisdom, — always greater than the wisdom of any one man, — credit and honor are due; due for intelligence, for courage, for zeal in the service of an endangered but now triumphant and prosperous Republic.

During the twenty years, the representatives serving in the House exceeded fifteen hundred in number. As an illustration of the rapidity of change in elective officers where suffrage is absolutely free, each succeeding House in the ten Congresses, with a single exception, contained a majority of new members. Only one representative in all this number served continuously from 1861 to 1881, — the Honorable William D. Kelley, eminent in his advocacy of the Protective system, steadily growing throughout the entire period in the respect of his associates and in the confidence of the constituency that has so frequently honored him. In the Senate the ratio of change, owing to the longer term of office, has been less; but, even in that more conservative body, rotation in membership has been rapid. In the twenty years nearly two hundred and fifty senators occupied seats in the chamber. Of the whole number, Henry B. Anthony of Rhode Island, warmly remembered by both political parties, was the only senator whose service was unbroken from the opening to the close of the period. Two others were in Congress for the whole time, but not continuously in either House. Justin S. Morrill served six years in the House and fourteen in the Senate; Henry L. Dawes served fourteen years in the House and six in the Senate. For the entire period both were consistent upholders

of Republican ideas and Republican policies. — James A. Garfield who was a member of the House for eighteen of the twenty years was, in November, 1880, by a singular concurrence of circumstances placed in an official position altogether without precedent. He was at the same time Representative in Congress, Senator-elect from the State of Ohio, President-elect of the United States.

The National Government has in these twenty years proved its strength in war, its conservatism in peace. The self-restraint which the citizens of the Republic exhibited in the hour of need, the great burdens which they bore under the inspiration of patriotic duty, the public order which they maintained by their instinctive obedience to the command of law, all attest the good government of a self-governing people. Full liberty to criticise the acts of persons in official station, free agitation of all political questions, frequent elections that give opportunity for prompt settlement of all issues, tend to insure popular content and public safety. No Government of modern times has encountered the dangers that beset the United States, or achieved the triumphs wherewith the Nation is crowned.

The assassination of two Presidents, one inaugurated at the beginning, the other at the close of this period, while a cause of profound National grief, reflects no dishonor upon popular government. The murder of Lincoln was the maddened and aimless blow of an expiring rebellion. The murder of Garfield was the fatuous impulse of a debauched conscience if not a disordered brain. Neither crime had its origin in the political institutions or its growth in the social organization of the country. Both crimes received the execration of all parties and all sections. In the universal horror which they inspired, in the majestic supremacy of law, which they failed to disturb, may be read the strongest proof of the stability of a Government which is founded upon the rights, fortified by the intelligence, inwrought with the virtues of the people. For as it was said of old, wisdom and knowledge shall be stability, and the work of righteousness shall be peace!

ADDENDUM.

HON. GALUSHA A. GROW, who filled the important post of Chairman of the Committee on Territories in the Thirty-sixth Congress, criticises the statements made on pages 269-272 of Volume I. The anomaly was there pointed out that the men who had been most active in condemning Mr. Webster for consenting to the organization of the Territories of New Mexico and Utah in 1850 without a prohibition of slavery, consented in 1861 to the organization of the Territories of Colorado, Dakota, and Nevada without a prohibition. Mr. Grow as a zealous anti-slavery man writes in defense of the course adopted in 1861. The wisdom of the course was not criticised. Its consistency only was challenged. After giving a history of the various steps in organizing the three Territories in 1861, and of the great need, by reason of the pressure of thousands of emigrants, of providing a government therefor, and the impracticability of passing a Territorial bill with an anti-slavery proviso, Mr. Grow, in a letter to the author, says, —

"The Republican party, about to be entrusted for the first time with the administration of the Government, must show, in addition to sound principles, that it possessed sufficient practical statesmanship to solve wisely any question relative to the development of the material resources of the country, or it would prove itself incompetent to the trust imposed by the people.

"There was this difference in the condition of the public affairs then, from what it was when Mr. Webster made his celebrated speech of March 7th. The great battle between Freedom and Slavery for supremacy in the Territories had been fought and won in Kansas, and the people had elected a Chief Magistrate on Freedom's side, so that the influences of National Administration would no longer be wielded for the extension of human bondage. Besides, Kansas, a free State, and New Mexico, a Territory already organized, would lie between these new Territories and slave institutions, so that by no possibility could they in the ordinary course of events become slave States.

"On the 7th of March, 1850, when Mr. Webster from the Senate chamber appealed to the North to 'conquer its prejudices' and rely on the laws of God and Nature to prevent the extension of the institution of human bondage, the two great forces of Liberty and Slavery were in deadly and irrepressible conflict, — with all the powers of the Government on the side of Slavery. That struggle reached its last peaceable stage in the triumph of Freedom in Kansas and the election of Lincoln to the Presidency."

Mr. Grow mistakes the relative positions of the slavery question in 1850 and 1861. When Mr. Webster was willing to waive the anti-slavery clause in the bill organizing the Territories of New Mexico and Utah, all the Territories to the North were already protected from slavery by the general prohibition of the Missouri Compromise in 1820, and by the specific prohibition in the Oregon bill of 1848. To Mr. Webster's view, in 1850 Kansas was as secure against the introduction of slavery as it was to Mr. Grow's view in 1861 after Mr. Lincoln was chosen President and the Free State men had won their victory on the soil of the Territory. Mr. Webster saw before him therefore a long procession of States in the North-West whose free institutions were assured by the abso-

lute inhibition of Slavery. He was in the midst of a heated and hated controversy over two Territories adapted only to mining and grazing and never likely to attract slave labor. Neither he nor any other person at that time imagined the possibility of repealing the Missouri Compromise; and therefore when all the territory north of 36° 30′ was secured by a prohibition as absolute as Congress could make it, Mr. Webster did not consider it necessary to wage a bitter contest and possibly endanger the Union of the States merely to secure a prohibition of slavery in two Territories where he believed the institution could not go. Precisely in the same way Mr. Grow did not believe that slavery would go into Colorado, Dakota, and Nevada, and he was therefore willing to waive the anti-slavery clause rather than add to the danger of disunion by insisting on it.

The same motives that inspired Mr. Webster in 1850, inspired Mr. Seward, Mr. Wade, and Mr. Grow in 1861. It is seldom that history so exactly repeats itself; but the mention of the coincidence was not designed as a criticism, much less a condemnation of the course of the statesmen who wisely and bravely met their responsibilities in 1861. It was simply a protest against the injustice that had been visited upon Mr. Webster for a like patriotic course in 1850.

If the Southern agitators had resorted to secession and brought on civil war in 1850 the efforts of Mr. Webster to avert the calamity would have received unstinted praise from all classes in the North. If no secession had been attempted and no civil war had followed in 1861, and the South remaining in the Union had resumed the old contest for the rights of Slavery in the Territories, Mr. Seward, Mr. Grow and their associates would have received unlimited censure as "dough faces" who had yielded to Southern threats and consented to organize three Territories without an anti-slavery proviso. In each instance the subsequent course of events determined the popularity or unpopularity of similar acts performed with similar motives, — acts altogether honorable, motives altogether patriotic in both cases.

OMISSION.

The names of the distinguished counsel on both sides who appeared before the International Tribunal at Geneva in 1871, were accidentally omitted from the foot-note on page 498, Volume II. Sir Roundell Palmer, afterwards Lord Chancellor (known as Lord Selborne), was sole counsel for the British cause, but was assisted throughout the hearing by Professor Montagu Bernard and by Mr. Cohen. The American counsel, as eminent as could be selected from the American bar, were William M. Evarts, Caleb Cushing, and Morrison R. Waite.

Note. — An error of statement occurs on page 72, Volume I., in regard to the action of the Whig caucus for Speaker in December, 1847. Mr. Winthrop was chosen after Mr. Vinton had declined, and was warmly supported by Mr. Vinton. The error came from an incorrect account of the caucus in a newspaper of that time.

ERRATA.

Vol. I. p. 90. Line 6. "Arthur" should read "Andrew."

" " 146. Line 2. "Absolute" should read "ultimate."

" " 171. Close of first paragraph should read thus: "Breckinridge carried every slave State except four, — Virginia, Kentucky and Tennessee voting for Bell, and Missouri voting for Douglas.

" " 197. Line 5 of second paragraph. "McKee Dunn" should read "George G. Dunn."

" " 301. Baillie Peyton is erroneously described as uniting with the South. He remained true to the Union throughout the contest.

" " 321. An anachronism occurs in stating that Senator Baker of Oregon had witnessed as a child the funeral pageant of Lord Nelson. He was not born for five years after Lord Nelson fell. The error was taken from a eulogy pronounced on Senator Baker after his death. The occurrence referred to was doubtless some one of the many military pageants in London at the close of the Napoleonic wars.

" " 344. It should be stated that the so-called "California" regiment of Colonel Baker was recruited principally in Philadelphia from the young men of that city.

" " 375. Line 11, second paragraph. "Edward" should read "Edwin H."

" " 452. Line 7. "16th" should read "13th."

" " 542. Fourth line from bottom. For "Chicago" read "Baltimore."

Vol. II. p. 118. There should be a foot-note to the name of William Pitt Fessenden, thus: "Resigned. Succeeded by Nathan A. Farwell."

" " 224. "Fineklenberg" should be "Finkelnburg."

" " 257. "Dodge of Iowa" should read "Dodge of New York."

THE APPENDICES.

APPENDIX A.

RECONSTRUCTION ACT OF THIRTY-NINTH CONGRESS.

AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES.

Whereas no legal State governments or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States until loyal and republican State governments can be legally established: Therefore

Be it enacted, &c., That said rebel States shall be divided into military districts and made subject to the military authority of the United States, as hereinafter prescribed, and for that purpose Virginia shall constitute the first district; North Carolina and South Carolina the second district; Georgia, Alabama, and Florida the third district; Mississippi and Arkansas the fourth district; and Louisiana and Texas the fifth district.

SEC. 2. That it shall be the duty of the President to assign to the command of each of said districts an officer of the army, not below the rank of brigadier-general, and to detail a sufficient military force to enable such officer to perform his duties and enforce his authority within the district to which he is assigned.

SEC. 3. That it shall be the duty of each officer assigned as aforesaid to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and to punish, or cause to be punished, all disturbers of the public peace and criminals, and to this end he may allow local civil tribunals to take jurisdiction of and to try offenders, or, when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose; and all interference under color of State authority with the exercise of military authority under this act shall be null and void.

SEC. 4. That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and no sentence of any military commission or tribunal hereby authorized, affecting the life or liberty of any person, shall be executed until it is approved by the officer in command of the district, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: *Provided*, That no sentence of death under the provisions of this act shall be carried into effect without the approval of the President.

SEC. 5. That when the people of any one of said rebel States shall have formed a

constitution of government in conformity with the Constitution of the United States in all respects, framed by a convention of delegates elected by the male citizens of said State twenty-one years old and upward, of whatever race, color, or previous condition, who have been resident in said State for one year previous to the day of such election, except such as may be disfranchised for participation in the rebellion, or for felony at common law, and when such constitution shall provide that the elective franchise shall be enjoyed by all such persons as have the qualifications herein stated for electors of delegates, and when such constitution shall be ratified by a majority of the persons voting on the question of ratification who are qualified as electors for delegates, and when such constitution shall have been submitted to Congress for examination and approval, and Congress shall have approved the same, and when said State, by a vote of its legislature elected under said constitution, shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, and Senators and Representatives shall be admitted therefrom on their taking the oaths prescribed by law, and then and thereafter the preceding sections of this act shall be inoperative in said State: *Provided*, That no person excluded from the privilege of holding office by said proposed amendment to the Constitution of the United States shall be eligible to election as a member of the convention to frame a constitution for any of said rebel States, nor shall any such person vote for members of such convention.

SEC. 6. That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the fifth section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.

SUPPLEMENTARY RECONSTRUCTION ACT OF FORTIETH CONGRESS.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED MARCH SECOND, EIGHTEEN HUNDRED AND SIXTY-SEVEN, AND TO FACILITATE RESTORATION.

Be it enacted, &c., That before the first day of September, eighteen hundred and sixty-seven, the commanding general in each district defined by an act entitled "An act to provide for the more efficient government of the rebel States," passed March second, eighteen hundred and sixty-seven, shall cause a registration to be made of the male citizens of the United States, twenty-one years of age and upwards, resident in each county or parish in the State or States included in his district, which registration shall include only those persons who are qualified to vote for delegates by the act aforesaid, and who shall have taken and subscribed the following oath or affirmation: "I, ———, do solemnly swear, (or affirm,) in the presence of Almighty God, that I am a citizen of the State of ———; that I have resided in said State for ——— months next preceding this day, and now reside in the county of ———, or the parish of ———, in said State, (as the case may be;) that I am twenty-one years old; that I have not been disfranchised for participation in any rebellion or civil war against the United States,

nor for felony committed against the laws of any State or of the United States; that I have never been a member of any State legislature, nor held any executive or judicial office in any State and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States or given aid or comfort to the enemies thereof; that I will faithfully support the Constitution and obey the laws of the United States, and will, to the best of my ability, encourage others so to do, so help me God;" which oath or affirmation may be administered by any registering officer.

SEC. 2. That after the completion of the registration hereby provided for in any State, at such time and places therein as the commanding general shall appoint and direct, of which at least thirty days' public notice shall be given, an election shall be held of delegates to a convention for the purpose of establishing a constitution and civil government for such State loyal to the Union, said convention in each State, except Virginia, to consist of the same number of members as the most numerous branch of the State legislature of such State in the year eighteen hundred and sixty, to be apportioned among the several districts, counties, or parishes of such State by the commanding general, giving to each representation in the ratio of voters registered as aforesaid, as nearly as may be. The convention in Virginia shall consist of the same number of members as represented the territory now constituting Virginia in the most numerous branch of the legislature of said State in the year eighteen hundred and sixty, to be apportioned as aforesaid.

SEC. 3. That at said election the registered voters of each State shall vote for or against a convention to form a constitution therefor under this act. Those voting in favor of such a convention shall have written or printed on the ballots by which they vote for delegates, as aforesaid, the words "For a convention," and those voting against such a convention shall have written or printed on such ballots the words "Against a convention." The person appointed to superintend said election, and to make return of the votes given thereat, as herein provided, shall count and make return of the votes given for and against a convention; and the commanding general to whom the same shall have been returned shall ascertain and declare the total vote in each State for and against a convention. If a majority of the votes given on that question shall be for a convention, then such convention shall be held as hereinafter provided; but if a majority of said votes shall be against a convention, then no such convention shall be held under this act: *Provided*, That such convention shall not be held unless a majority of all such registered voters shall have voted on the question of holding such convention.

SEC. 4. That the commanding general of each district shall appoint as many boards of registration as may be necessary, consisting of three loyal officers or persons, to make and complete the registration, superintend the election, and make return to him of the votes, lists of voters, and of the persons elected as delegates by a plurality of the votes cast at said election; and upon receiving said returns he shall open the same, ascertain the persons elected as delegates according to the returns of the officers who conducted said election, and make proclamation thereof; and if a majority of the votes given on that question shall be for a convention, the commanding general, within sixty days from the date of election, shall notify the delegates to assemble in convention, at a time and place to be mentioned in the notification, and said convention, when organized, shall proceed to frame a constitution and civil government according

to the provisions of this act and the act to which it is supplementary; and when the same shall have been so framed, said constitution shall be submitted by the convention for ratification to the persons registered under the provisions of this act at an election to be conducted by the officers or persons appointed or to be appointed by the commanding general, as hereinbefore provided, and to be held after the expiration of thirty days from the date of notice thereof, to be given by said convention; and the returns thereof shall be made to the commanding general of the district.

SEC. 5. That if, according to said returns, the constitution shall be ratified by a majority of the votes of the registered electors qualified as herein specified, cast at said election, (at least one half of all the registered voters voting upon the question of such ratification,) the president of the convention shall transmit a copy of the same, duly certified, to the President of the United States, who shall forthwith transmit the same to Congress, if then in session, and if not in session, then immediately upon its next assembling; and if it shall, moreover, appear to Congress that the election was one at which all the registered and qualified electors in the State had an opportunity to vote freely and without restraint, fear, or the influence of fraud, and if the Congress shall be satisfied that such constitution meets the approval of a majority of all the qualified electors in the State, and if the said constitution shall be declared by Congress to be in conformity with the provisions of the act to which this is supplementary, and the other provisions of said act shall have been complied with, and the said constitution shall be approved by Congress, the State shall be declared entitled to representation, and Senators and Representatives shall be admitted therefrom as therein provided.

SEC. 6. That all elections in the States mentioned in the said "Act to provide for the more efficient government of the rebel States," shall, during the operation of said act, be by ballot; and all officers making the said registration of voters and conducting said elections shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed by the act approved July second, eighteen hundred and sixty-two, entitled "An act to prescribe an oath of office:" [1] *Provided*, That if any person shall knowingly and falsely take and subscribe any oath in this act prescribed, such person so offending and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities which by law are provided for the punishment of the crime of wilful and corrupt perjury.

SEC. 7. That all expenses incurred by the several commanding generals, or by

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[1] This act is in these words: —

Be it enacted, &c., That hereafter every person elected or appointed to any office of honor or profit under the Government of the United States either in the civil, military, or naval departments of the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary or other emoluments thereof, take and subscribe the following oath or affirmation: "I, A B, do solemnly swear (or affirm), that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have never sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto; and I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter; so help me God;" which said oath, so taken and signed, shall be preserved among the files of the Court, House of Congress, or Department to which the said office may appertain. And any person who shall falsely take the said oath shall be guilty of perjury, and on conviction, in addition to the penalties now prescribed for that offense, shall be deprived of his office, and rendered incapable forever after, of holding any office or place under the United States.

virtue of any orders issued, or appointments made, by them, under or by virtue of this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

SEC. 8. That the convention for each State shall prescribe the fees, salary, and compensation to be paid to all delegates and other officers and agents herein authorized or necessary to carry into effect the purposes of this act not herein otherwise provided for, and shall provide for the levy and collection of such taxes on the property in such State as may be necessary to pay the same.

SEC. 9. That the word article, in the sixth section of the act to which this is supplementary, shall be construed to mean section.

SUPPLEMENTARY RECONSTRUCTION ACT OF JULY 19, 1867.

AN ACT SUPPLEMENTARY TO AN ACT ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES," PASSED ON THE SECOND DAY OF MARCH, 1867, AND THE ACT SUPPLEMENTARY THERETO, PASSED ON THE 23D DAY OF MARCH, 1867.

Be it enacted, &c., That it is hereby declared to have been the true intent and meaning of the act of the 2d day of March, 1867, entitled "An act to provide for the more efficient government of the rebel States," and of the act supplementary thereto, passed on the 23d day of March, 1867, that the governments then existing in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas, were not legal State governments; and that thereafter said governments, if continued, were to be continued subject in all respects to the military commanders of the respective districts, and to the paramount authority of Congress.

SEC. 2. That the commander of any district named in said act shall have power, subject to the disapproval of the General of the army of the United States, and to have effect till disapproved, whenever in the opinion of such commander the proper administration of said act shall require it, to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment, or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof; and upon such suspension or removal such commander, subject to the disapproval of the General as aforesaid, shall have power to provide from time to time for the performance of the said duties of such officer or person so suspended or removed, by the detail of some competent officer or soldier of the army, or by the appointment of some other person to perform the same, and to fill vacancies occasioned by death, resignation, or otherwise.

SEC. 3. That the General of the army of the United States shall be invested with all the powers of suspension, removal, appointment, and detail granted in the preceding section to district commanders.

SEC. 4. That the acts of the officers of the army already done in removing in said districts persons exercising the functions of civil officers, and appointing others in their stead, are hereby confirmed: *Provided*, That any person heretofore or hereafter appointed by any district commander to exercise the functions of any civil office, may be removed either by the military officer in command of the district, or by the General of the army. And it shall be the duty of such commander to remove from office, as aforesaid, all persons who are disloyal to the Government of the United States, or who use their official influence in any manner to hinder, delay, prevent, or obstruct the due and proper administration of this act and the acts to which it is supplementary.

SEC. 5. That the boards of registration provided for in the act entitled "An act supplementary to an act entitled 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate restoration," passed March 23, 1867, shall have power, and it shall be their duty, before allowing the registration of any person, to ascertain, upon such facts or information as they can obtain, whether such person is entitled to be registered under said act, and the oath required by said act shall not be conclusive on such question, and no person shall be registered unless such board shall decide that he is entitled thereto; and such board shall also have power to examine, under oath, (to be administered by any member of such board,) any one touching the qualification of any person claiming registration; but in every case of refusal by the board to register an applicant, and in every case of striking his name from the list as hereinafter provided, the board shall make a note or memorandum, which shall be returned with the registration list to the commanding general of the district, setting forth the grounds of such refusal or such striking from the list: *Provided*, That no person shall be disqualified as member of any board of registration by reason of race or color.

SEC. 6. That the true intent and meaning of the oath prescribed in said supplementary act is, (among other things,) that no person who has been a member of the Legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not, and whether he was holding such office at the commencement of the rebellion, or had held it before, and who has afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof, is entitled to be registered or to vote; and the words "executive or judicial office in any State" in said oath mentioned shall be construed to include all civil offices created by law for the administration of any general law of a State, or for the administration of justice.

SEC. 7. That the time for completing the original registration provided for in said act may, in the discretion of the commander of any district, be extended to the 1st day of October, 1867; and the boards of registration shall have power, and it shall be their duty, commencing fourteen days prior to any election under said act, and upon reasonable public notice of the time and place thereof, to revise, for a period of five days, the registration lists, and, upon being satisfied that any person not entitled thereto has been registered, to strike the name of such person from the list, and such person shall not be allowed to vote. And such board shall also, during the same period, add to such registry the names of all persons who at that time possess the qualifications required by said act who have not been already registered; and no person shall, at any time, be entitled to be registered or to vote, by reason of any executive pardon or amnesty, for any act or thing which, without such pardon or amnesty, would disqualify him from registration or voting.

SEC. 8. That section four of said last-named act shall be construed to authorize the commanding general named therein, whenever he shall deem it needful, to remove any member of a board of registration and to appoint another in his stead, and to fill any vacancy in such board.

SEC. 9. That all members of said boards of registration, and all persons hereafter elected or appointed to office in said military districts, under any so-called State or municipal authority, or by detail or appointment of the district commanders, shall be required to take and to subscribe the oath of office prescribed by law for officers of the United States.

SEC. 10. That no district commander or member of the board of registration, or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

SEC. 11. That all the provisions of this act and of the acts to which this is supplementary shall be construed liberally, to the end that all the intents thereof may be fully and perfectly carried out.

AMENDATORY RECONSTRUCTION ACT OF MARCH 11, 1868.

AN ACT TO AMEND THE ACT PASSED MARCH 23, 1867, ENTITLED "AN ACT SUPPLEMENTARY TO 'AN ACT TO PROVIDE FOR THE MORE EFFICIENT GOVERNMENT OF THE REBEL STATES,' PASSED MARCH 2, 1867, AND TO FACILITATE THEIR RESTORATION."

Be it enacted, &c., That hereafter any election authorized by the act passed March 23, 1867, entitled "An act supplementary to 'An act to provide for the more efficient government of the rebel States,' passed March 2, 1867, and to facilitate their restoration," shall be decided by a majority of the votes actually cast; and at the election in which the question of the adoption or rejection of any constitution is submitted, any person duly registered in the State may vote in the election district where he offers to vote when he has resided therein for ten days next preceding such election, upon presentation of his certificate of registration, his affidavit, or other satisfactory evidence, under such regulations as the district commanders may prescribe.

SEC. 2. That the constitutional convention of any of the States mentioned in the acts to which this is amendatory may provide that at the time of voting upon the ratification of the constitution, the registered voters may vote also for members of the House of Representatives of the United States, and for all elective officers provided for by the said constitution; and the same election officers, who shall make the return of the votes cast on the ratification or rejection of the constitution, shall enumerate and certify the votes cast for members of Congress.

APPENDIX B.

AN ACT REGULATING THE TENURE OF CERTAIN CIVIL OFFICES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office, and shall become duly qualified to act therein, is, and shall be, entitled to hold such office until a successor shall have been in like manner appointed and duly qualified, except as herein otherwise provided: *Provided*, That the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General, and the Attorney General shall hold their offices respectively for and during the term of the President by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate.

SEC. 2. That when any officer appointed as aforesaid, excepting judges of the United States courts, shall, during the recess of the Senate, be shown, by evidence satisfactory to the President, to be guilty of misconduct in office, or crime, or for any reason shall become incapable or legally disqualified to perform its duties, in such case, and in no other, the President may suspend such officer, and designate some suitable person to perform temporarily the duties of such office until the next meeting of the Senate, and until the case shall be acted upon by the Senate; and such person, so

designated, shall take the oaths and give the bonds required by law to be taken and given by the person duly appointed to fill such office; and in such case it shall be the duty of the President, within twenty days after the first day of such next meeting of the Senate, to report to the Senate such suspension, with the evidence and reasons for his action in the case and the name of the person so designated to perform the duties of such office. And if the Senate shall concur in such suspension, and advise and consent to the removal of such officer, they shall so certify to the President, who may thereupon remove such officer, and, by and with the advice and consent of the Senate, appoint another person to such office. But if the Senate shall refuse to concur in such suspension, such officer so suspended shall forthwith resume the functions of his office, and the powers of the person so performing its duties in his stead shall cease, and the official salary and emoluments of such officer shall, during such suspension, belong to the person so performing the duties thereof, and not to the officer so suspended: *Provided, however*, That the President, in case he shall become satisfied that such suspension was made on insufficient grounds, shall be authorized, at any time before reporting such suspension to the Senate as above provided, to revoke such suspension and reinstate such officer in the performance of the duties of his office.

SEC. 3. That the President shall have power to fill all vacancies which may happen during the recess of the Senate, by reason of death or resignation, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment, by and with the advice and consent of the Senate, shall be made to such office so vacant or temporarily filled as aforesaid during such next session of the Senate, such office shall remain in abeyance without any salary, fees, or emoluments attached thereto, until the same shall be filled by appointment thereto, by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

SEC. 4. That nothing in this act contained shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 5. That if any person shall, contrary to the provisions of this act, accept any appointment to or employment in any office, or shall hold or exercise, or attempt to hold or exercise, any such office or employment, he shall be deemed, and is hereby declared to be, guilty of a high misdemeanor, and, upon trial and conviction thereof, he shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court.

SEC. 6. That every removal, appointment, or employment made, had, or exercised, contrary to the provisions of this act, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed, and are hereby declared to be, high misdemeanors, and, upon trial and conviction thereof, every person guilty thereof shall be punished by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding five years, or both said punishments, in the discretion of the court: *Provided*, That the President shall have power to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointment shall have been advised and consented to by the Senate.

SEC. 7. That it shall be the duty of the Secretary of the Senate, at the close of each session thereof, to deliver to the Secretary of the Treasury, and to each of his assistants, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all persons who shall have been nominated to and rejected by

the Senate during such session, and a like list of all the offices to which nominations shall have been made and not confirmed and filled at such session.

SEC. 8. That whenever the President shall, without the advice and consent of the Senate, designate, authorize, or employ any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and it shall be the duty of the Secretary of the Treasury thereupon to communicate such notice to all the proper accounting and disbursing officers of his Department.

SEC. 9. That no money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to the provisions of this act; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer of the United States, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions or duties thereof; and every person who shall violate any of the provisions of this section shall be deemed guilty of a high misdemeanor, and, upon trial and conviction thereof, shall be punished therefor by a fine not exceeding ten thousand dollars, or by imprisonment not exceeding ten years, or both said punishments, in the discretion of the court.

AN ACT TO AMEND "AN ACT REGULATING THE TENURE OF CERTAIN CIVIL OFFICES."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first and second sections of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, be, and the same are hereby, repealed, and in lieu of said repealed sections the following are hereby enacted:

That every person holding any civil office to which he has been or hereafter may be appointed, by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he shall have been appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 2. *And be it further enacted*, That during any recess of the Senate the President is hereby empowered, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the United States courts, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed in his discretion by the designation of another, to perform the duties of such suspended officer in the meantime; and such person so designated shall take the oaths and give the bonds required by law to be taken and given by the suspended officer, and shall, during the time he performs his duties, be entitled to the salary and emoluments of such office, no part of which shall belong to the officer suspended; and it shall be the duty of the President within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, to nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not other-

wise, the President shall nominate another person as soon as practicable to said session of the Senate for said office.

SEC. 3. *And be it further enacted*, That section three of the act to which this is an amendment be amended by inserting after the word "resignation," in line three of said section, the following: "or expiration of term of office."

APPENDIX C.

ARTICLES OF IMPEACHMENT VOTED UPON BY THE SENATE.

ARTICLE XI.

That said Andrew Johnson, President of the United States, unmindful of the high duties of his office and of his oath of office, and in disregard of the Constitution and laws of the United States, did heretofore, to wit: on the 18th day of August, 1866, at the city of Washington, in the District of Columbia, by public speech, declare and affirm in substance that the Thirty-Ninth Congress of the United States was not a Congress of the United States authorized by the Constitution to exercise legislative power under the same; but, on the contrary, was a Congress of only part of the States, thereby denying and intending to deny that the legislation of said Congress was valid or obligatory upon him, the said Andrew Johnson, except in so far as he saw fit to approve the same, and also thereby denying and intending to deny the power of the said Thirty-Ninth Congress to propose amendments to the Constitution of the United States; and, in pursuance of said declaration, the said Andrew Johnson, President of the United States, afterward, to wit: on the 21st day of February, 1868, at the city of Washington, in the District of Columbia, did unlawfully and in disregard of the requirements of the Constitution, that he should take care that the laws be faithfully executed, attempt to prevent the execution of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, by unlawfully devising and contriving, and attempting to devise and contrive, means by which he should prevent Edwin M. Stanton from forthwith resuming the functions of the office of Secretary for the Department of War, notwithstanding the refusal of the Senate to concur in the suspension therefore made by said Andrew Johnson of said Edwin M. Stanton from said office of Secretary for the Department of War, and also by further unlawfully devising and contriving, and attempting to devise and contrive, means then and there to prevent the execution of an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1868, and for other purposes," approved March 2, 1867, and also to prevent the execution of an act entitled "An act to provide for the more efficient government of the rebel States," passed March 2, 1867; whereby the said Andrew Johnson, President of the United States, did then, to wit: on the 21st day of February, 1868, at the city of Washington, commit and was guilty of a high misdemeanor in office.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles or other accusation or impeachment against the said Andrew Johnson, President of the United States, and also of replying to his answers which he shall make unto the articles herein preferred against him, and of offering proof to the same and every part thereof, and to all and every other article, accusation, or impeachment which shall be exhibited by them, as the case shall require, do demand that the said Andrew Johnson may be put to answer the high crimes and misdemeanors in office herein charged against him, and that such

proceedings, examinations, trials, and judgments may be thereupon had and given as may be agreeable to law and justice.

ARTICLE II.

That on said 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, said Andrew Johnson, President of the United States, unmindful of the high duties of his office, of his oath of office, and in violation of the Constitution of the United States, and contrary to the provisions of an act entitled "An act regulating the tenure of certain civil offices," passed March 2, 1867, without the advice and consent of the Senate of the United States, said Senate then and there being in session, and without authority of law, did, with intent to violate the Constitution of the United States and the act aforesaid, issue and deliver to one Lorenzo Thomas a letter of authority in substance as follows, that is to say:

EXECUTIVE MANSION, WASHINGTON, D.C.,
February 21, 1868.

SIR: Hon. Edwin M. Stanton having this day been removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS, *Adjutant General United States Army, Washington, D.C.*

then and there being no vacancy in said office of Secretary for the Department of War; whereby said Andrew Johnson, President of the United States, did then and there commit and was guilty of a high misdemeanor in office.

ARTICLE III.

That said Andrew Johnson, President of the United States, on the 21st day of February, in the year of our Lord 1868, at Washington, in the District of Columbia, did commit and was guilty of a high misdemeanor in office, in this, that, without authority of law, while the Senate of the United States was then and there in session, he did appoint one Lorenzo Thomas to be Secretary for the Department of War *ad interim*, without the advice and consent of the Senate, and with intent to violate the Constitution of the United States, no vacancy having happened in said office of Secretary for the Department of War during the recess of the Senate, and no vacancy existing in said office at the time, and which said appointment, so made by said Andrew Johnson, of said Lorenzo Thomas, is in substance as follows, that is to say:

EXECUTIVE MANSION, WASHINGTON, D.C.,
February 21, 1868.

SIR: Hon. Edwin M. Stanton having been this day removed from office as Secretary for the Department of War, you are hereby authorized and empowered to act as Secretary of War *ad interim*, and will immediately enter upon the discharge of the duties pertaining to that office.

Mr. Stanton has been instructed to transfer to you all the records, books, papers, and other public property now in his custody and charge.

Respectfully yours,

ANDREW JOHNSON.

To Brevet Major General LORENZO THOMAS, *Adjutant General United States Army, Washington, D.C.*

APPENDIX D.

FORTY-FIRST CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC.

SENATE.

Schuyler Colfax of Indiana, President.
George C. Gorham of California, Secretary.
MAINE. — William Pitt Fessenden,[1] Hannibal Hamlin.
NEW HAMPSHIRE. — Aaron H. Cragin, James W. Patterson.
VERMONT. — George F. Edmunds, Justin S. Morrill.
MASSACHUSETTS. — Charles Sumner, Henry Wilson.
RHODE ISLAND. — Henry B. Anthony, William Sprague.
CONNECTICUT. — Orris S. Ferry, William A. Buckingham.
NEW YORK. — Roscoe Conkling, Reuben E. Fenton.
NEW JERSEY. — Alexander G. Cattell, *John P. Stockton.*
PENNSYLVANIA. — Simon Cameron, John Scott.
DELAWARE. — *Willard Saulsbury, Thomas F. Bayard.*
MARYLAND. — *George Vickers, William T. Hamilton.*
VIRGINIA. — *John W. Johnston,* John F. Lewis.
NORTH CAROLINA. — Joseph C. Abbott, John Pool.
SOUTH CAROLINA. — Thomas J. Robertson, Frederick A. Sawyer.
GEORGIA. — *H. V. M. Miller,* Joshua Hill.
ALABAMA. — Willard Warner, George E. Spencer.
MISSISSIPPI. — Hiram R. Revels, Adelbert Ames.
LOUISIANA. — John S. Harris, William P. Kellogg.
OHIO. — John Sherman, *Allen G. Thurman.*
KENTUCKY. — *Garrett Davis, Thomas C. McCreery.*
TENNESSEE. — Joseph S. Fowler, William G. Brownlow.
INDIANA. — Oliver P. Morton, Daniel D. Pratt.
ILLINOIS. — Lyman Trumbull, Richard Yates.
MISSOURI. — Charles D. Drake,[2] Carl Schurz.
ARKANSAS. — Alexander McDonald, Benjamin F. Rice.
MICHIGAN. — Zachariah Chandler, Jacob M. Howard.
FLORIDA. — Thomas W. Osborn, Abijah Gilbert.
TEXAS. — Morgan C. Hamilton, James W. Flanagan.
IOWA. — James W. Grimes,[3] James Harlan.
WISCONSIN. — Timothy O. Howe, Matthew H. Carpenter.
CALIFORNIA. — Cornelius Cole, *Eugene Casserly,*
MINNESOTA. — Alexander Ramsey, *Daniel S. Norton.*[4]
OREGON. — George H. Williams, Henry W. Corbett.
KANSAS. — Edmund G. Ross, Samuel C. Pomeroy.
WEST VIRGINIA. — Waitman T. Willey, Arthur I. Boreman.
NEVADA. — James W. Nye, William M. Stewart.
NEBRASKA. — John M. Thayer, Thomas W. Tipton.

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[1] Died. Succeeded by Lot M. Morrill.
[2] Resigned. Daniel T. Jewett appointed ; *Francis P. Blair, jun.*, elected.
[3] Resigned. Succeeded by James B. Howell.
[4] Died. William Windom appointed ; Ozora P. Stearns elected.

HOUSE OF REPRESENTATIVES.

James G. Blaine of Maine, Speaker.

Edward McPherson of Pennsylvania, Clerk.

MAINE. — John Lynch, Samuel P. Morrill, James G. Blaine, John A. Peters, Eugene Hale.

NEW HAMPSHIRE. — Jacob H. Ela, Aaron F. Stevens, Jacob Benton.

VERMONT. — Charles W. Willard, Luke P. Poland, Worthington C. Smith.

MASSACHUSETTS. — James Buffinton, Oakes Ames, Ginery Twichell, Samuel Hooper, Benjamin F. Butler, Nathaniel P. Banks, George S. Boutwell,[1] George F. Hoar, William B. Washburn, Henry L. Dawes.

RHODE ISLAND. — Thomas A. Jenckes, Nathan F. Dixon.

CONNECTICUT. — Julius Strong, Stephen W. Kellogg, Henry H. Starkweather, *William H. Barnum.*

NEW YORK. — *Henry A. Reeves, John G. Schumaker, Henry W. Slocum, John Fox, John Morrisey, Samuel S. Cox, Hervey C. Calkin, James Brooks, Fernando Wood, Clarkson N. Potter, George W. Greene,*[2] John H. Ketcham, *John A. Griswold, Stephen L. Mayham,* Adolphus H. Tanner, Orange Ferriss, William A. Wheeler, Stephen Sanford, Charles Knapp, Addison H. Laflin, Alexander H. Bailey, John C. Churchill, Dennis McCarthy, George W. Cowles, William H. Kelsey, Giles W. Hotchkiss, Hamilton Ward, Noah Davis,[3] John Fisher, David S. Bennett, Porter Sheldon.

NEW JERSEY. — William Moore, *Charles Haight, John T. Bird,* John Hill, *Orestes Cleveland.*

PENNSYLVANIA. — *Samuel J. Randall,* Charles O'Neill, *John Moffet,*[4] William D. Kelley, *John R. Reading,*[5] *John D. Stiles,* Washington Townsend, *J. Lawrence Getz,* Oliver J. Dickey, Henry L. Cake, *Daniel M. Van Auken, George W. Woodward,* Ulysses Mercur, John B. Packer, *Richard J. Haldeman,* John Cessna, Daniel J. Morrell, William H. Armstrong, Glenni W. Scofield, Calvin W. Gilfillan, John Covode,[6] James S. Negley, Darwin Phelps, Joseph B. Donley.

DELAWARE. — *Benjamin T. Biggs.*

MARYLAND. — *Samuel Hambleton, Stevenson Archer, Thomas Swann, Patrick Hamill, Frederick Stone.*

VIRGINIA. — Richard S. Ayer, James H. Platt, jun., Charles H. Porter, *George W. Booker, Robert S. Ridgway,*[7] *William Milnes, jun., Lewis McKenzie, James K. Gibson.*

NORTH CAROLINA. — Clinton L. Cobb, David Heaton,[8] Oliver H. Dockery, John T. Deweese,[9] Israel G. Lash, *Francis E. Shober,* Alexander H. Jones.

SOUTH CAROLINA. — B. F. Whittemore,[10] Christopher C. Bowen, Solomon L. Hoge, Alexander S. Wallace.

GEORGIA. — *William W. Paine,* Richard H. Whiteley, Marion Bethune, Jefferson F. Long, Stephen A. Corker, *William P. Price, Pierce M. B. Young.*

ALABAMA. — Alfred E. Buck, Charles W. Buckley, Robert S. Heflin, Charles Hays, *Peter M. Dox, William C. Sherrod.*

MISSISSIPPI. — George E. Harris, Joseph L. Morphis, Henry W. Barry, George C. McKee, Legrande W. Perce.

LOUISIANA. — J. Hale Sypher, Lionel A. Sheldon, C. B. Darrall, *Michael Ryan,*[11] Frank Morey.

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[1] Resigned. Succeeded by George M. Brooks.

[2] Unseated. Charles H. Van Wyck admitted.

[3] Resigned. Succeeded by Charles H. Holmes.

[4] Unseated. Leonard Myers admitted.

[5] Unseated. Caleb N. Taylor admitted.

[6] Died January 11, 1871.

[7] Died. Succeeded by *Richard T. W. Duke.*

[8] Died. Succeeded by Joseph Dixon.

[9] Resigned. Succeeded by *John Manning.*

[10] Resigned. Succeeded by Joseph H. Rainey.

[11] Unseated. Joseph P. Newsham admitted.

Ohio. — *Peter W. Strader*, Job E. Stevenson, Robert C. Schenck,[1] William Lawrence, *William Mungen*, John A. Smith, James J. Winans, John Beatty, *Edward F. Dickinson, Truman H. Hoag*,[2] John T. Wilson, *Philadelph Van Trump, George W. Morgan*, Martin Welker, Eliakim H. Moore, John A. Bingham, Jacob A. Ambler, William H. Upson, James A. Garfield.

Kentucky. — *Lawrence S. Trimble, William N. Sweeney, Jacob S. Golladay*,[3] *J. Proctor Knott, Boyd Winchester, Thomas L. Jones, James B. Beck, George M. Adams, John M. Rice.*

Tennessee. — Roderick R. Butler, Horace Maynard, William B. Stokes, Lewis Tillman, William F. Prosser, Samuel M. Arnell, Isaac R. Hawkins, William J. Smith.

Indiana. — *William E. Niblack, Michael C. Kerr, William S. Holman*, George W. Julian, John Coburn, *Daniel W. Voorhees*, Godlove S. Orth, James N. Tyner, John P. C. Shanks, William Williams, Jasper Packard.

Illinois. — Norman B. Judd, John F. Farnsworth, Elihu B. Washburne,[4] John B. Hawley, Ebon C. Ingersoll, Burton C. Cook, Jesse H. Moore, Shelby M. Cullom, *Thompson W. McNeely, Albert G. Burr, Samuel S. Marshall*, John B. Hay, *John M. Crebs*, John A. Logan.

Missouri. — *Erastus Wells*, Gustavus A. Finkelnburg, *James R. McCormick*, Sempronius H. Boyd, Samuel S. Burdett, Robert T. Van Horn, Joel F. Asper, John F. Benjamin, David P. Dyer.

Arkansas. — Logan H. Roots, *A. A. C. Rogers*, Thomas Boles.

Michigan. — Fernando C. Beaman, William L. Stoughton, Austín Blair, Thomas W. Ferry, Omar D. Conger, Randolph Strickland.

Florida. — Charles M. Hamilton.

Texas. — George W. Whitmore, *John C. Conner*, W. T. Clark, Edward Degener.

Iowa. — George W. McCrary, William Smyth,[5] William B. Allison, William Loughridge, Frank W. Palmer, Charles Pomeroy.

Wisconsin. — Halbert E. Paine, Benjamin F. Hopkins,[6] Amasa Cobb, *Charles A. Eldridge*, Philetus Sawyer, Cadwalader C. Washburn.

California. — *Samuel B. Axtell*, Aaron A. Sargent, *James A. Johnson.*

Minnesota. — Morton S. Wilkinson, *Eugene M. Wilson.*

Oregon. — *Joseph S. Smith.*

Kansas. — Sidney Clarke.

West Virginia. — Isaac H. Duval, James C. McGrew, John S. Witcher.

Nevada. — Thomas Fitch.

Nebraska. — John Taffe.

DELEGATES.

Arizona. — Richard C. McCormick.

Colorado. — Allen A. Bradford.

Dakota. — S. L. Spink.

Idaho. — *Jacob K. Shafer.*

Montana. — *James M. Cavanaugh.*

New Mexico. — J. Francisco Chaves.

Utah. — *William H. Hooper.*

Washington. — Selucius Garfielde.

Wyoming. — *Stephen F. Nuckolls.*

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[1] Resigned January 5, 1871.

[2] Died. Succeeded by Erasmus D. Peck.

[3] Resigned. Succeeded by *Joseph H. Lewis.*

[4] Resigned. Succeeded by Horatio C. Burchard.

[5] Died. Succeeded by William P. Wolf.

[6] Died. Succeeded by David Atwood.

APPENDIX E.

FORTY-SECOND CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC.

SENATE.

Schuyler Colfax of Indiana, President.
George C. Gorham of California, Secretary.
MAINE. — Hannibal Hamlin, Lot M. Morrill.
NEW HAMPSHIRE. — Aaron H. Cragin, James W. Patterson.
VERMONT. — George F. Edmunds, Justin S. Morrill.
MASSACHUSETTS. — Charles Sumner, Henry Wilson.
RHODE ISLAND. — Henry B. Anthony, William Sprague.
CONNECTICUT. — Orris S. Ferry, William A. Buckingham.
NEW YORK. — Roscoe Conkling, Reuben E. Fenton.
NEW JERSEY. — *John P. Stockton*, Frederick T. Frelinghuysen.
PENNSYLVANIA. — Simon Cameron, John Scott.
DELAWARE. — *Thomas Francis Bayard, Eli Saulsbury.*
MARYLAND. — *George Vickers, William T. Hamilton.*
VIRGINIA. — *John W. Johnston*, John F. Lewis.
NORTH CAROLINA. — John Pool, *Matt W. Ransom.*
SOUTH CAROLINA. — Thomas J. Robertson, Frederick A. Sawyer.
GEORGIA. — Joshua Hill, *Thomas Manson Norwood.*
ALABAMA. — George E. Spencer, *George Goldthwaite.*
MISSISSIPPI. — Adelbert Ames, James L. Alcorn.
LOUISIANA. — William Pitt Kellogg,[1] J. Rodman West.
OHIO. — John Sherman, *Allen G. Thurman.*
KENTUCKY. — *Garrett Davis*,[2] *John W. Stevenson.*
TENNESSEE. — William Gannaway Brownlow, *Henry Cooper.*
INDIANA. — Oliver P. Morton, Daniel D. Pratt.
ILLINOIS. — Lyman Trumbull, John A. Logan.
MISSOURI. — Carl Schurz, *Francis P. Blair, jun.*
ARKANSAS. — Benjamin F. Rice, Powell Clayton.
MICHIGAN. — Zachariah Chandler, Thomas W. Ferry.
FLORIDA. — Thomas W. Osborn, Abijah Gilbert.
TEXAS. — Morgan C. Hamilton, J. W. Flanagan.
IOWA. — James Harlan, George G. Wright.
WISCONSIN. — Timothy O. Howe, Matthew H. Carpenter.
CALIFORNIA. — Cornelius Cole, *Eugene Casserly.*
MINNESOTA. — Alexander Ramsey, William Windom.
OREGON. — Henry W. Corbett, *James K. Kelly.*
KANSAS. — Samuel C. Pomeroy, Alexander Caldwell.
WEST VIRGINIA. — Arthur I. Boreman, *Henry G. Davis.*
NEVADA. — James W. Nye, William M. Stewart.
NEBRASKA. — Thomas W. Tipton, Phineas W. Hitchcock.

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[1] Resigned. [2] Died. Succeeded by *Willis B. Machen.*

HOUSE OF REPRESENTATIVES.

James G. Blaine of Maine, Speaker.

Edward McPherson of Pennsylvania, Clerk.

MAINE. — John Lynch, William P. Frye, James G. Blaine, John A. Peters, Eugene Hale.

NEW HAMPSHIRE. — *Ellery A. Hibbard, Samuel N. Bell, Hosea W. Parker.*

VERMONT. — Charles W. Willard, Luke P. Poland, Worthington C. Smith.

MASSACHUSETTS. — James Buffinton, Oakes Ames, Ginery Twichell, Samuel Hooper, Benjamin F. Butler, Nathaniel P. Banks, George M. Brooks,[1] George F. Hoar, William B. Washburn,[2] Henry L. Dawes.

RHODE ISLAND. — Benjamin T. Eames, James M. Pendleton.

CONNECTICUT. — Julius L. Strong,[3] Stephen W. Kellogg, Henry H. Starkweather, *William H. Barnum.*

NEW YORK. — *Dwight Townsend, Thomas Kinsella, Henry W. Slocum, Robert B. Roosevelt, William R. Roberts, Samuel Sullivan Cox, Smith Ely, jun., James Brooks, Fernando Wood, Clarkson Nott Potter,* Charles St. John, John H. Ketcham, *Joseph H. Tuthill, Eli Perry, Joseph M. Warren, John Rogers,* William A. Wheeler, *John M. Carroll,* Elizur H. Prindle, Clinton L. Merriam, Ellis H. Roberts, William E. Lansing, R. Holland Duell, John E. Seeley, William H. Lamport, Milo Goodrich, H. Boardman Smith, Freeman Clarke, Seth Wakeman, *William Williams,* Walter L. Sessions.

NEW JERSEY. — John W. Hazelton, *Samuel C. Forker, John T. Bird,* John Hill, George A. Halsey.

PENNSYLVANIA. — *Samuel J. Randall,* John V. Creely, Leonard Myers, William D. Kelley, Alfred C. Harmer, *Ephraim L. Acker,* Washington Townsend, *J. Lawrence Getz,* Oliver J. Dickey, John W. Killinger, *John B. Storm,* L. D. Shoemaker, Ulysses Mercur,[4] John B. Packer, *Richard J. Haldeman, Benjamin F. Meyers, Robert Milton Speer, Henry Sherwood,* Glenni W. Scofield, *Samuel Griffith, Henry Donnell Foster,* James S. Negley, Ebenezer McJunkin, *William McClelland.*

DELAWARE. — *Benjamin T. Biggs.*

MARYLAND. — *Samuel Hambleton, Stevenson Archer, Thomas Swann, John Ritchie, William M. Merrick.*

VIRGINIA. — *John Critcher,* James H. Platt, jun., Charles H. Porter, William H. H. Stowell, *Richard T. W. Duke, John T. Harris, Elliott M. Braxton, William Terry.*

NORTH CAROLINA. — Clinton L. Cobb, Charles R. Thomas, *Alfred M. Waddell, Sion H. Rogers, James M. Leach, Francis E. Shober, James C. Harper.*

SOUTH CAROLINA. — Joseph H. Rainey, Robert C. De Large,[5] Robert Brown Elliott, Alexander S. Wallace.

GEORGIA. — *Archibald T. McIntyre,* Richard H. Whiteley, John S. Bigby, Thomas J. Speer,[6] *Dudley M. DuBose, William P. Price, Pierce M. B. Young.*

ALABAMA. — Benjamin Sterling Turner, Charles W. Buckley, *William A. Handley,* Charles Hays, *Peter M. Dox, Joseph H. Sloss.*

MISSISSIPPI. — George E. Harris, Joseph L. Morphis, Henry W. Barry, George C. McKee, Legrande W. Perce.

LOUISIANA. — Jay Hale Sypher, Lionel A. Sheldon, Chester B. Darrall, James McCleary,[7] Frank Morey.

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[1] Resigned. Succeeded by Constantine C. Esty.

[2] Resigned. Succeeded by Alvah Crocker.

[3] Died. Succeeded by Joseph R. Hawley.

[4] Resigned. Succeeded by Frank C. Bunnell.

[5] Unseated January 24, 1873.

[6] Died. Succeeded by *Erasmus W. Beck.*

[7] Died. Succeeded by *Aleck Boarman.*

OHIO. — Aaron F. Perry,[1] Job E. Stevenson, *Lewis D. Campbell*, *John F. McKinney*, *Charles N. Lamison*, John A. Smith, Samuel Shellabarger, John Beatty, Charles Foster, Erasmus D. Peck, John T. Wilson, *Philadelph Van Trump*, *George W. Morgan*, James Monroe, William P. Sprague, John A. Bingham, Jacob A. Ambler, William H. Upson, James A. Garfield.

KENTUCKY. — *Edward Crossland*, *Henry D. McHenry*, *Joseph H. Lewis*, *William B. Read*, *Boyd Winchester*, *William E. Arthur*, *James B. Beck*, *George M. Adams*, *John M. Rice*.

TENNESSEE. — Roderick R. Butler, Horace Maynard, *Abraham E. Garrett*, *John Morgan Bright*, *Edward I. Golladay*, *Washington Curran Whithorne*, *Robert P. Caldwell*, *William W. Vaughan*.

INDIANA. — *William E. Niblack*, *Michael C. Kerr*, *William S. Holman*, Jeremiah M. Wilson, John Coburn, *Daniel W. Voorhees*, *Mahlon D. Manson*, James N. Tyner, John P. C. Shanks, William Williams, Jasper Packard.

ILLINOIS. — Charles B. Farwell, John F. Farnsworth, Horatio C. Burchard, John B. Hawley, *Bradford N. Stevens*, Burton C. Cook,[2] Jesse H. Moore, *James C. Robinson*, *Thompson W. McNeely*, *Edward Y. Rice*, *Samuel S. Marshall*, John B. Hay, *John M. Crebs*, John L. Beveridge.[3]

MISSOURI. — *Erastus Wells*, Gustavus A. Finkelnburg, *James R. McCormick*, Harrison E. Havens, Samuel S. Burdett, *Abram Comingo*, Isaac C. Parker, *James G. Blair*, *Andrew King*.

ARKANSAS. — *James M. Hanks*, Oliver P. Snyder, *John Edwards*.[4]

MICHIGAN. — Henry Waldron, William L. Stoughton, Austin Blair, Wilder D. Foster, Omar D. Conger, *Jabez G. Sutherland*.

FLORIDA. — Josiah T. Walls.[5]

TEXAS. — *William S. Herndon*, *John C. Conner*, William T. Clark,[6] *John Hancock*.

IOWA. — George W. McCrary, Aylett R. Cotton, William G. Donnan, Madison M. Walden, Frank W. Palmer, Jackson Orr.

WISCONSIN. — *Alexander Mitchell*, Gerry W. Hazelton, J. Allen Barber, *Charles A. Eldridge*, Philetus Sawyer, Jeremiah M. Rusk.

CALIFORNIA. — Sherman O. Houghton, Aaron A. Sargent, John M. Coghlan.

MINNESOTA. — Mark H. Dunnell, John T. Averill.

OREGON. — *James H. Slater*.

KANSAS. — David P. Lowe.

WEST VIRGINIA. — *John J. Davis*, James C. McGrew, *Frank Hereford*.

NEVADA. — *Charles West Kendall*.

NEBRASKA. — John Taffe.

DELEGATES.

ARIZONA. — Richard C. McCormick.

COLORADO. — Jerome B. Chaffee.

DAKOTA. — *Moses K. Armstrong*.

DISTRICT OF COLUMBIA. — Norton P. Chipman.

IDAHO. — *Samuel A. Merritt*.

MONTANA. — William H. Clagett.

NEW MEXICO. — José M. Gallegas.

UTAH. — *William H. Hooper*.

WASHINGTON. — Selucius Garfielde.

WYOMING. — William T. Jones.

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[1] Resigned. Succeeded by *Ozro J. Dodds*.

[2] Resigned. Succeeded by H. Snap.

[3] Resigned January 4, 1873.

[4] Unseated. Thomas Boles admitted.

[5] Unseated. *S. L. Niblack* admitted.

[6] Unseated. *D. C. Giddings* admitted.

APPENDIX F.

FORTY-THIRD CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC.

SENATE.

Henry Wilson of Massachusetts, President.
George C. Gorham of California, Secretary.
MAINE. — Hannibal Hamlin, Lot M. Morrill.
NEW HAMPSHIRE. — Aaron H. Cragin, Bainbridge Wadleigh.
VERMONT. — George F. Edmunds, Justin S. Morrill.
MASSACHUSETTS. — Henry Wilson,[1] Charles Sumner.[2]
RHODE ISLAND. — Henry B. Anthony, William Sprague.
CONNECTICUT. — Orris S. Ferry, William A. Buckingham.[3]
NEW YORK. — Roscoe Conkling, Reuben E. Fenton.
NEW JERSEY. — *John P. Stockton*, Frederick T. Frelinghuysen.
PENNSYLVANIA. — Simon Cameron, John Scott.
DELAWARE. — *Thomas Francis Bayard, Eli Saulsbury.*
MARYLAND. — *William T. Hamilton, George R. Dennis.*
VIRGINIA. — *John W. Johnston*, John F. Lewis.
NORTH CAROLINA. — *Matt W. Ransom, Augustus S. Merrimon.*
SOUTH CAROLINA. — Thomas J. Robertson, John J. Patterson.
GEORGIA. — *Thomas Manson Norwood, John B. Gordon.*
ALABAMA. — George E. Spencer, *George Goldthwaite.*
MISSISSIPPI. — James Lusk Alcorn, Adelbert Ames.[4]
LOUISIANA. — J. R. West, (vacancy contested).
OHIO. — John Sherman, *Allen G. Thurman.*
KENTUCKY. — *John W. Stevenson, Thomas C. McCreery.*
TENNESSEE. — William G. Brownlow, *Henry Cooper.*
INDIANA. — Oliver P. Morton, Daniel D. Pratt.
ILLINOIS. — John A. Logan, Richard J. Oglesby.
MISSOURI. — Carl Schurz, *Lewis V. Bogy.*
ARKANSAS. — Powell Clayton, Stephen W. Dorsey.
MICHIGAN. — Zachariah Chandler, Thomas W. Ferry.
FLORIDA. — Abijah Gilbert, Simon B. Conover.
TEXAS. — Morgan C. Hamilton, James W. Flanagan.
IOWA. — George G. Wright, William B. Allison.
WISCONSIN. — Timothy O. Howe, Matthew H. Carpenter.
CALIFORNIA. — Aaron A. Sargent, *Eugene Casserly.*[5]
MINNESOTA. — Alexander Ramsey, William Windom.
OREGON. — *James K. Kelly*, John H. Mitchell.
KANSAS. — John James Ingalls, Alexander Caldwell.[6]
WEST VIRGINIA. — Arthur I. Boreman, *Henry G. Davis.*
NEVADA. — William M. Stewart, John P. Jones.
NEBRASKA. — Thomas W. Tipton, Phineas W. Hitchcock.

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[1] Died. Succeeded by George S. Boutwell.
[2] Died. Succeeded by William B. Washburn.
[3] Died. Succeeded by *William W. Eaton.*
[4] Resigned. Succeeded by Henry R. Pease.
[5] Resigned. Succeeded by *John S. Hager.*
[6] Resigned. Robert Crozier appointed; James M. Harvey elected.

HOUSE OF REPRESENTATIVES.

James G. Blaine of Maine, Speaker.

Edward McPherson of Pennsylvania, Clerk.

MAINE. — John H. Burleigh, William P. Frye, James G. Blaine, Samuel F. Hersey,[1] Eugene Hale.

NEW HAMPSHIRE. — William B. Small, Austin F. Pike, *Hosea W. Parker.*

VERMONT. — Charles W. Willard, Luke P. Poland, George Whitman Hendee.

MASSACHUSETTS. — James Buffinton, Benjamin W. Harris, William Whiting,[2] Samuel Hooper,[3] Daniel W. Gooch, Benjamin F. Butler, E. Rockwood Hoar, John M. S. Williams, George F. Hoar, Alvah Crocker,[4] Henry L. Dawes.

RHODE ISLAND. — Benjamin T. Eames, James M. Pendleton.

CONNECTICUT. — Joseph Roswell Hawley, Stephen W. Kellogg, Henry H. Starkweather, *William H. Barnum.*

NEW YORK. — Henry J. Scudder, *John G. Schumaker*, Stewart L. Woodford,[5] Philip S. Crooke, *William Randal Roberts, James Brooks,*[6] *Thomas J. Creamer*, John D. Lawson, David B. Mellish,[7] *Fernando Wood, Clarkson Nott Potter*, Charles St. John, *John O. Whitehouse, David Miller De Witt, Eli Perry*, James S. Smart, Robert S. Hale, William A. Wheeler, Henry H. Hathorn, David Wilber, Clinton L. Merriam, Ellis H. Roberts, William E. Lansing, R. Holland Duell, Clinton Dugald MacDougall, William H. Lamport, Thomas C. Platt, H. Boardman Smith, Freeman Clarke, George G. Hoskins, Lyman K. Bass, Walter L. Sessions, Lyman Tremaine.

NEW JERSEY. — John W. Hazelton, Samuel A. Dobbins, Amos Clark, jun., *Robert Hamilton*, William Walter Phelps, Marcus L. Ward, Isaac W. Scudder.

PENNSYLVANIA. — *Samuel J. Randall*, Charles O'Neill, Leonard Myers, William D. Kelley, Alfred C. Harmer, James S. Biery, Washington Townsend, *Hiester Clymer*, A. Herr Smith, John W. Killinger, *John B. Storm*, Lazarus D. Shoemaker, James D. Strawbridge, John B. Packer, *John A. Magee*, John Cessna, *Robert Milton Speer*, Sobieski Ross, Carlton B. Curtis, Hiram L. Richmond, Alexander Wilson Taylor, James S. Negley, Ebenezer McJunkin,[8] William S. Moore, Lemuel Todd, Glenni W. Scofield, Charles Albright.

DELAWARE. — James R. Lofland.

MARYLAND. — *Ephraim K. Wilson, Stevenson Archer, William J. O'Brien, Thomas Swann*, William J. Albert, Lloyd Lowndes, jun.

VIRGINIA. — James B. Sener, James H. Platt, jun., John Ambler Smith, William H. H. Stowell, *Alexander M. Davis,*[9] *Thomas Whitehead, John T. Harris, Eppa Hunton, Rees T. Bowen.*

NORTH CAROLINA. — Clinton L. Cobb, Charles R. Thomas, *Alfred Moore Waddell*, William Alexander Smith, *James M. Leach, Thomas S. Ashe, William M. Robbins, Robert Brank Vance.*

SOUTH CAROLINA. — Joseph H. Rainey, Alonzo J. Ransier, Robert Brown Elliott,[10] Alexander S. Wallace, Richard H. Cain.

GEORGIA. — *Morgan Rawls,*[11] Richard Henry Whiteley, *Philip Cook, Henry R. Harris*, James C. Freeman, *James H. Blount, Pierce M. B. Young, Ambrose R. Wright,*[12] *Hiram P. Bell.*

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1 Died February 3, 1875.
2 Died. Succeeded by Henry Lillie Pierce.
3 Died February 14, 1875.
4 Died. Succeeded by Charles A. Stevens.
5 Resigned. Succeeded by Simeon B. Chittenden.
6 Died. Succeeded by *Samuel S. Cox.*
7 Died. Succeeded by *Richard Schell.*
8 Resigned. Succeeded by John M. Thompson.
9 Unseated. Christopher Y. Thomas admitted.
10 Resigned. Succeeded by Lewis Cass Carpenter.
11 Unseated. Andrew Sloan admitted.
12 Died. Succeeded by *Alexander H. Stephens.*

ALABAMA. — *Frederick G. Bromberg*, James T. Rapier, Charles Pelham, Charles Hays, *John H. Caldwell*, *Joseph H. Sloss*, Alexander White, Charles C. Sheats.

MISSISSIPPI. — *Lucius Q. C. Lamar*, Albert R. Howe, Henry W. Barry, Jason Niles, George C. McKee, John R. Lynch.

LOUISIANA. — Jay Hale Sypher,[1] Lionel A. Sheldon, Chester B. Darrall, Samuel Peters,[2] Frank Morey, *George A. Sheridan*.

OHIO. — *Milton Sayler*, *Henry B. Banning*, John Q. Smith, Lewis B. Gunckel, *Charles N. Lamison*, Isaac R. Sherwood, *Lawrence Talbott Neal*, William Lawrence, James W. Robinson, Charles Foster, Hezekiah S. Bundy, *Hugh J. Jewett*,[3] *Milton I. Southard*, *John Berry*, William P. Sprague, Lorenzo Danford, Laurin D. Woodworth, James Monroe, James A. Garfield, Richard C. Parsons.

KENTUCKY. — *Edward Crossland*, *John Young Brown*, *Charles W. Millikin*, *William B. Read*, *Elisha D. Standeford*, *William E. Arthur*, *James B. Beck*, *Milton J. Durham*, *George M. Adams*, *John D. Young*.

TENNESSEE. —Roderick R. Butler, Jacob M. Thornburgh, William Crutchfield, *John Morgan Bright*, Horace H. Harrison, *Washington C. Whitthorne*, *John D. C. Atkins*, David A. Nunn, Barbour Lewis, Horace Maynard.

INDIANA. — *William E. Niblack*, *Simeon K. Wolfe*, *William S. Holman*, Jeremiah M. Wilson, John Coburn, Morton C. Hunter, Thomas J. Cason, James N. Tyner, John P. C. Shanks, Henry B. Sayler, Jasper Packard, William Williams, Godlove S. Orth.

ILLINOIS. — John B. Rice,[4] Jasper D. Ward, Charles B. Farwell, Stephen A. Hurlbut, Horatio C. Burchard, John B. Hawley, Franklin Corwin, Greenbury L. Fort, Granville Barrere, William H. Ray, *Robert M. Knapp*, *James C. Robinson*, John McNulta, Joseph G. Cannon, *John R. Eden*, James S. Martin, *William R. Morrison*, Isaac Clements, *Samuel S. Marshall*.

MISSOURI. — Edwin O. Stannard, *Erastus Wells*, *William H. Stone*, *Robert A. Hatcher*, *Richard Parks Bland*, Harrison E. Havens, *Thomas T. Crittenden*, *Abram Comingo*, Isaac C. Parker, Ira B. Hyde, *John B. Clark, jun.*, *John Montgomery Glover*, *Aylett Hawes Buckner*.

ARKANSAS. — Asa Hodges, Oliver P. Snyder, William W. Wilshire,[5] William J. Hynes.

MICHIGAN. — Moses W. Field, Henry Waldron, George Willard, Julius C. Burrows, Wilder D. Foster,[6] Josiah W. Begole, Omar D. Conger, Nathan B. Bradley, Jay A. Hubbell.

FLORIDA. — Josiah T. Walls, William J. Purman.[7]

TEXAS. — *William S. Herndon*, *William P. McLean*, *De Witt C. Giddings*, *John Hancock*, *Roger Q. Mills*, *Asa H. Willie*.

IOWA. — George W. McCrary, Aylett R. Cotton, William G. Donnan, Henry O. Pratt, James Wilson, William Loughridge, John A. Kasson, James Wilson McDill, Jackson Orr.

WISCONSIN. — Charles G. Williams, Gerry W. Hazelton, J. Allen Barber, *Alexander Mitchell*, *Charles A. Eldridge*, Philetus Sawyer, Jeremiah M. Rusk, Alexander S. McDill.

CALIFORNIA. — Charles Clayton, Horace Francis Page, *John K. Luttrell*, Sherman O. Houghton.

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[1] Unseated. *Effingham Lawrence* admitted.

[2] Died. Succeeded by George L. Smith.

[3] Resigned. Succeeded by *William E. Finck*.

[4] Died. Succeeded by *Bernard G. Caulfield*.

[5] Unseated. *Thomas M. Gunter* admitted.

[6] Died. Succeeded by William B. Williams.

[7] Resigned January 25, 1875.

MINNESOTA. — Mark H. Dunnell, Horace B. Strait, John T. Averill.
OREGON. — *J. G. Wilson.*[1]
KANSAS. — David P. Lowe, Stephen A. Cobb, William A. Phillips.
WEST VIRGINIA. — John J. Davis, John M. Hagans, *Frank Hereford.*
NEVADA. — *Charles West Kendall.*
NEBRASKA. — Lorenzo Crounse.

DELEGATES.

ARIZONA. — Richard C. McCormick.
COLORADO. — Jerome B. Chaffee.
DAKOTA. — *Moses K. Armstrong.*
DISTRICT OF COLUMBIA. — Norton P. Chipman.
IDAHO. — *John Hailey.*
MONTANA. — *Martin Maginnis.*
NEW MEXICO. — Stephen B. Elkins.
UTAH. — *George Q. Cannon.*
WASHINGTON. — *Obadiah B. McFadden.*
WYOMING. — *William R. Steele.*

APPENDIX G.

FORTY-FOURTH CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC.

SENATE.

Thomas W. Ferry of Michigan, President.
George C. Gorham of California, Secretary.
ALABAMA. — George E. Spencer, *George Goldthwaite.*
ARKANSAS. — Powell Clayton, Stephen W. Dorsey.
CALIFORNIA. — Aaron A. Sargent, Newton Booth.
COLORADO. — Jerome B. Chaffee, Henry M. Teller.
CONNECTICUT. — *William W. Eaton*, Orris S. Ferry.[2]
DELAWARE. — *Thomas Francis Bayard, Eli Saulsbury.*
FLORIDA. — Simon B. Conover, *Charles W. Jones.*
GEORGIA. — *Thomas Manson Norwood, John B. Gordon.*
ILLINOIS. — John A. Logan, Richard J. Oglesby.
INDIANA. — Oliver P. Morton, *Joseph E. McDonald.*
IOWA. — George G. Wright, William B. Allison.
KANSAS. — John James Ingalls, James M. Harvey.
KENTUCKY. — *John W. Stevenson, Thomas C. McCreery.*
LOUISIANA. — J. R. West; (vacancy contested.)
MAINE. — Hannibal Hamlin, Lot M. Morrill.[3]
MARYLAND. — *George R. Dennis, W. Pinkney Whyte.*
MASSACHUSETTS. — George S. Boutwell, Henry L. Dawes.
MICHIGAN. — Thomas W. Ferry, Isaac P. Christiancy.
MINNESOTA. — William Windom, Samuel J. R. McMillan.
MISSISSIPPI. — James Lusk Alcorn, Blanche K. Bruce.

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[1] Died. Succeeded by *James W. Nesmith.*
[2] Died. *James E. English* appointed; *William H. Barnum* elected.
[3] Resigned. Succeeded by James G. Blaine.

MISSOURI. — *Lewis V. Bogy*, *Francis Marion Cockrell.*
NEBRASKA. — Phineas W. Hitchcock, Algernon S. Paddock.
NEVADA. — John P. Jones, William Sharon.
NEW HAMPSHIRE. — Aaron H. Cragin, Bainbridge Wadleigh.
NEW JERSEY. — Frederick T. Frelinghuysen, *Theodore F. Randolph.*
NEW YORK. — Roscoe Conkling, *Francis Kernan.*
NORTH CAROLINA. — *Matt W. Ransom*, *Augustus S. Merrimon.*
OHIO. — John Sherman, *Allen G. Thurman.*
OREGON. — *James K. Kelly*, John H. Mitchell.
PENNSYLVANIA. — Simon Cameron, *William A. Wallace.*
RHODE ISLAND. — Henry B. Anthony, Ambrose E. Burnside.
SOUTH CAROLINA. — Thomas J. Robertson, John J. Patterson.
TENNESSEE. — *Henry Cooper*, *Andrew Johnson.*[1]
TEXAS. — Morgan C. Hamilton, *Sam Bell Maxey.*
VERMONT. — George F. Edmunds, Justin S. Morrill.
VIRGINIA. — *John W. Johnston*, *Robert E. Withers.*
WEST VIRGINIA. — *Henry G. Davis*, *Allen T. Caperton.*[2]
WISCONSIN. — Timothy O. Howe, Angus Cameron.

HOUSE OF REPRESENTATIVES.

Samuel J. Randall of Pennsylvania, Speaker.
George M. Adams of Kentucky, Clerk.
ALABAMA. — Jere Haralson, *Jeremiah N. Williams*, *Taul Bradford*, Charles Hays, *John H. Caldwell*, *Goldsmith W. Hewitt*, *William Henry Forney*, *Burwell Boykin Lewis.*
ARKANSAS. — *Lucien C. Gause*, *William F. Slemons*, *William W. Wilshire*, *Thomas Monticue Gunter.*
CALIFORNIA. — *William A. Piper*, Horace Francis Page, *John K. Luttrell*, *Peter Dinwiddie Wigginton.*
COLORADO. — James B. Belford.
CONNECTICUT. — *George M. Landers*, *James Phelps*, Henry H. Starkweather,[3] *William H. Barnum.*[4]
DELAWARE. — *James Williams.*
FLORIDA. — William J. Purman, Josiah T. Walls.[5]
GEORGIA. — *Julian Hartridge*, *William E. Smith*, *Philip Cook*, *Henry R. Harris*, *Milton A. Candler*, *James H. Blount*, *William H. Felton*, *Alexander Hamilton Stephens*, *Garrett McMillan.*[6]
ILLINOIS. — *Bernard G. Caulfield*, *Carter H. Harrison*, Charles B. Farwell,[7] Stephen A. Hurlbut, Horatio C. Burchard, Thomas J. Henderson, *Alexander Campbell*, Greenbury L. Fort, Richard H. Whiting, *John C. Bagby*, *Scott Wike*, *William M. Springer*, *Adlai E. Stevenson*, Joseph G. Cannon, *John R. Eden*, *William A. J. Sparks*, *William R. Morrison*, *William Hartzell*, *William B. Anderson.*
INDIANA. — *Benoni S. Fuller*, *James D. Williams*,[8] *Michael C. Kerr.*[9] *Jeptha D. New*, *William S. Holman*, Milton S. Robinson, *Franklin Landers*, Morton C. Hunter, Thomas J. Cason, *William S. Haymond*, James L. Evans, *Andrew H. Hamilton*, John H. Baker.

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[1] Died. *David M. Key* appointed; *James E. Bailey* elected.
[2] Died. *Samuel Price* appointed; *Frank Hereford* elected.
[3] Died. Succeeded by John T. Walt.
[4] Resigned. Succeeded by *Levi Warner.*
[5] Unseated. *Jesse J. Finley* admitted.
[6] Died. Succeeded by *Benjamin H. Hill.*
[7] Unseated. *J. V. LeMoyne* admitted.
[8] Resigned. Succeeded by *Andrew Humphreys.*
[9] Died. Succeeded by *Nathan T. Carr.*

IOWA. — George W. McCrary, John Q. Tufts, *Lucien Lester Ainsworth*, Henry O. Pratt, James Wilson, Ezekiel S. Sampson, John A. Kasson, James Wilson McDill, Addison Oliver.

KANSAS. — William A. Phillips, *John R. Goodin*, William R. Brown.

KENTUCKY. — *Andrew R. Boone, John Young Brown, Charles W. Milliken, J. Proctor Knott, Edward Young Parsons,*[1] *Thomas L. Jones, Joseph C. S. Blackburn, Milton J. Durham*, John D. White, *John B. Clarke.*

LOUISIANA. — *Randall Lee Gibson, E. John Ellis*, Chester B. Darrall, *William M. Levy*, Frank Morey,[2] Charles E. Nash.

MAINE. — John H. Burleigh, William P. Frye, James G. Blaine,[3] Harris M. Plaisted, Eugene Hale.

MARYLAND. — *Philip Francis Thomas, Charles B. Roberts, William J. O'Brien, Thomas Swann, Eli Jones Henkle, William Walsh.*

MASSACHUSETTS. — James Buffinton,[4] Benjamin W. Harris, Henry Lillie Pierce, Rufus S. Frost,[5] Nathaniel P. Banks, *Charles P. Thompson, John Kemble Tarbox, William Wirt Warren*, George F. Hoar, Julius H. Seelye, *Chester W. Chapin.*

MICHIGAN. — *Alpheus S. Williams*, Henry Waldron, George Willard, Allen Potter, William B. Williams, *George H. Durand*, Omar D. Conger, Nathan B. Bradley, Jay A. Hubbell.

MINNESOTA. — Mark H. Dunnell, Horace B. Strait, William S. King.

MISSISSIPPI. — *Lucius Q. C. Lamar*, Guilford Wiley Wells, *Hernando D. Money, Otho R. Singleton, Charles E. Hooker*, John R. Lynch.

MISSOURI. — *Edward C. Kehr, Erastus Wells, William H. Stone, Robert A. Hatcher, Richard Parks Bland, Charles Henry Morgan, John F. Philips, Benjamin J. Franklin, David Rea, Rezin A. De Bolt, John B. Clark, jun., John Montgomery Glover, Aylett Hawes Buckner.*

NEBRASKA. — Lorenzo Crounse.

NEVADA. — William Woodburn.

NEW HAMPSHIRE. — *Frank Jones, Samuel N. Bell*, Henry W. Blair.

NEW JERSEY. — Clement H. Sinnickson, Samuel A. Dobbins, *Miles Ross, Robert Hamilton, Augustus W. Cutler, Frederick H. Teese, Augustus A. Hardenbergh.*

NEW YORK. — *Henry B. Metcalfe, John G. Schumaker*, Simeon B. Chittenden, *Archibald M. Bliss, Edwin Ruthven Meade, Samuel Sullivan Cox, Smith Ely, jun.,*[6] *Elijah Ward, Fernando Wood, Abram Stevens Hewitt, Benjamin A. Willis, N. Holmes Odell, John O. Whitehouse, George M. Beebe, John H. Bagley, jun.*, Charles H. Adams, Martin I. Townsend, Andrew Williams, William A. Wheeler, Henry H. Hathorn, Samuel F. Miller, George A. Bagley, *Scott Lord*, William H. Baker, Elias Warren Leavenworth, Clinton Dugald MacDougall, Elbridge G. Lapham, Thomas C. Platt, *Charles C. B. Walker*, John M. Davy, George G. Hoskins, Lyman K. Bass, Augustus F. Allen.[7]

NORTH CAROLINA. — *Jesse J. Yeates*, John Adams Hyman, *Alfred Moore Waddell, Joseph J. Davis, Alfred Moore Scales, Thomas Samuel Ashe, William M. Robbins, Robert Brank Vance.*

OHIO. — *Milton Sayler, Henry B. Banning, John Simpson Savage, John A. McMahon, Americus V. Rice, Frank H. Hurd, Lawrence Talbott Neal*, William Lawrence, *Earley F. Poppleton*, Charles Foster, *John L. Vance, Ansel T.*

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[1] Died. Succeeded by *Henry Watterson.*

[2] Unseated. *William B. Spencer* admitted and subsequently resigned.

[3] Resigned. Succeeded by Edwin Flye.

[4] Died. Succeeded by William W. Crapo.

[5] Unseated. *Josiah G. Abbott* admitted.

[6] Resigned. Succeeded by *David Dudley Field.*

[7] Died. Succeeded by Nelson I. Norton.

Walling, Milton I. Southard, Jacob P. Cowan, Nelson H. Van Vorhes, Lorenzo Danford, Laurin D. Woodworth, James Monroe, James A. Garfield, *Henry B. Payne.*

OREGON. — *George A. LaDow.*[1]

PENNSYLVANIA. — Chapman Freeman, Charles O'Neill, *Samuel J. Randall*, William D. Kelley, *John Robbins*, Washington Townsend, Alan Wood, jun., *Hiester Clymer*, A. Herr Smith, *William Mutchler, Francis D. Collins*, Winthrop W. Ketchum,[2] *James B. Reilly*, John B. Packer, *Joseph Powell*, Sobieski Ross, *John Reilly, William S. Stenger, Levi Maish, L. A. Mackey, Jacob Turney, James H. Hopkins, Alexander G. Cochrane*, John W. Wallace, *George A. Jenks, James Sheakley, Albert G. Eybert.*

RHODE ISLAND. — Benjamin T. Eames, Latimer W. Ballou.

SOUTH CAROLINA. — Joseph H. Rainey, Edmund W. M. Mackey,[3] Solomon La Fayette Hoge, Alexander S. Wallace, Robert Smalls.

TENNESSEE. — *William McFarland*, Jacob M. Thornburgh, *George Gibbs Dibrell, Samuel M. Fite,*[4] *John Morgan Bright, John F. House, Washington Curran Whitthorne, John D. C. Atkins, William P. Caldwell, Casey Young.*

TEXAS. — *John H. Reagan, David B. Culberson, James W. Throckmorton, Roger Q. Mills, John Hancock, Gustave Schleicher.*

VERMONT. — Charles H. Joyce, Dudley Chase Denison, George Whitman Hendee.

VIRGINIA. — *Beverly B. Douglas, John Goode, jun., Gilbert Carlton Walker*, William H. H. Stowell, *George C. Cabell, John Randolph Tucker, John T. Harris, Eppa Hunton, William Terry.*

WEST VIRGINIA. — *Benjamin Wilson, Charles James Faulkner*, Frank Hereford.[5]

WISCONSIN. — Charles G. Williams, Lucien B. Caswell, Henry S. Magoon, *William P. Lynde, Samuel D. Burchard*, Alanson M. Kimball, Jeremiah M. Rusk, *George W. Cate.*

DELEGATES.

ARIZONA. — *H. S. Stevens.*

COLORADO. — *Thomas M. Patterson.*

DAKOTA. — Jefferson P. Kidder.

IDAHO. — Thomas W. Bennett.[6]

MONTANA. — *Martin Maginnis.*

NEW MEXICO. — Stephen B. Elkins.

UTAH. — *George Q. Cannon.*

WASHINGTON. — Orange Jacobs.

WYOMING. — *William R. Steele.*

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[1] Died. Succeeded by *Lafayette Lane.*

[2] Resigned. Succeeded by *William H. Stanton.*

[3] Unseated. Charles W. Buttz admitted.

[4] Died. Succeeded by *Haywood Y. Riddle.*

[5] Resigned January 31, 1877.

[6] Unseated. *Stephen S. Fenn* admitted.

APPENDIX H.

FORTY-FIFTH CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALIC.

SENATE.

William A. Wheeler of New York, President.
George C. Gorham of California, Secretary.
ALABAMA. — George E. Spencer, *John T. Morgan.*
ARKANSAS. — Stephen W. Dorsey, *Augustus H. Garland.*
CALIFORNIA. — Aaron A. Sargent, Newton Booth.
COLORADO. — Jerome B. Chaffee, Henry M. Teller.
CONNECTICUT. — *William W. Eaton, William H. Barnum.*
DELAWARE. — *Thomas F. Bayard, Eli Saulsbury.*
FLORIDA. — Simon B. Conover, *Charles W. Jones.*
GEORGIA. — *John B. Gordon, Benjamin H. Hill.*
ILLINOIS. — Richard J. Oglesby, *David Davis.*
INDIANA. — Oliver P. Morton,[1] *Joseph E. McDonald.*
IOWA. — William B. Allison, Samuel J. Kirkwood.
KANSAS. — John J. Ingalls, Preston B. Plumb.
KENTUCKY. — *Thomas C. McCreery, James B. Beck.*
LOUISIANA. — William P. Kellogg, *James B. Eustis.*
MAINE. — Hannibal Hamlin, James G. Blaine.
MARYLAND. — *George R. Dennis, W. Pinkney Whyte.*
MASSACHUSETTS. — Henry L. Dawes, George F. Hoar.
MICHIGAN. — Thomas W. Ferry, Isaac P. Christiancy.[2]
MINNESOTA. — William Windom, Samuel J. R. McMillan.
MISSISSIPPI. — Blanche K. Bruce, *Lucius Q. C. Lamar.*
MISSOURI. — *Francis M. Cockrell, Lewis V. Bogy.*[3]
NEBRASKA. — Algernon S. Paddock, Alvin Saunders.
NEVADA. — John P. Jones, William Sharon.
NEW HAMPSHIRE. — Bainbridge Wadleigh, E. H. Rollins.
NEW JERSEY. — *Theodore F. Randolph, John R. MacPherson.*
NEW YORK. — Roscoe Conkling, *Francis Kernan.*
NORTH CAROLINA. — *Matt W. Ransom, Augustus S. Merrimon.*
OHIO. — John Sherman,[4] *Allen G. Thurman.*
OREGON. — John H. Mitchell, *La Fayette Grover.*
PENNSYLVANIA. — *William A. Wallace,* Simon Cameron.[5]
RHODE ISLAND. — Henry B. Anthony, Ambrose E. Burnside.
SOUTH CAROLINA. — John J. Patterson, *Manning C. Butler.*
TENNESSEE. — *James E. Bailey, Isham G. Harris.*
TEXAS. — *Sam B. Maxey, Richard Coke.*
VERMONT. — George F. Edmunds, Justin S. Morrill.
VIRGINIA. — *John W. Johnston, Robert E. Withers.*
WEST VIRGINIA. — *Henry G. Davis, Frank Hereford.*
WISCONSIN. — Timothy O. Howe, Angus Cameron.

[1] Died. Succeeded by *Daniel W. Voorhees.*
[2] Resigned. Succeeded by Zachariah Chandler.
[3] Died. *David H. Armstrong* appointed; *James Shields* elected.
[4] Resigned. Succeeded by Stanley Matthews.
[5] Resigned. Succeeded by J. Donald Cameron.

HOUSE OF REPRESENTATIVES.

Samuel J. Randall of Pennsylvania, Speaker.

George M. Adams of Kentucky, Clerk.

ALABAMA. — *James T. Jones, Hilary A. Herbert, Jeremiah N. Williams, Charles M. Shelley, Robert F. Ligon, Goldsmith W. Hewitt, William H. Forney, William W. Garth.*

ARKANSAS. — *Lucien C. Gause, William F. Slemons, Jordan E. Cravens, Thomas M. Gunter.*

CALIFORNIA. — Horace Davis, Horace F. Page, *John K. Luttrell,* Romualdo Pacheco.[1]

COLORADO. — *T. M. Patterson.*

CONNECTICUT. — George M. Landers, *James Phelps,* John T. Wait, *Levi Warner.*

DELAWARE. — *James Williams.*

FLORIDA. — *Robert H. M. Davidson,* Horatio Bisbee, jun.[2]

GEORGIA. — *Julian Hartridge,*[3] *William E. Smith, Philip Cook, Henry R. Harris, Milton A. Candler, James H. Blount, William H. Felton, Alexander H. Stephens, Hiram P. Bell.*

ILLINOIS. — William Aldrich, *Carter H. Harrison,* Lorenzo Brentano, William Lathrop, Horatio C. Burchard, Thomas J. Henderson, Philip C. Hayes, Greenbury L. Fort, Thomas A. Boyd, B. F. Marsh, *Robert M. Knapp, William M. Springer,* Thomas F. Tipton, Joseph G. Cannon, *John R. Eden, William A. J. Sparks, William R. Morrison, William Hartzell, Richard W. Townshend.*

INDIANA. — *Benoni S. Fuller, Thomas R. Cobb, George A. Bicknell,* Leonidas Sexton, Thomas M. Browne, Milton S. Robinson, John Hanna, Morton C. Hunter, M. D. White, William H. Calkins, James L. Evans, *Andrew H. Hamilton,* John H. Baker.

IOWA. — Joseph C. Stone, Hiram Price, Theodore W. Burdick, Nathaniel C. Deering, Rush Clark, Ezekiel S. Sampson, Henry J. B. Cummings, William F. Sapp, Addison Oliver.

KANSAS. — William A. Phillips, Dudley C. Haskell, Thomas Ryan.

KENTUCKY. — *Andrew R. Boone, James A. McKenzie, John W. Caldwell, J. Proctor Knott, Albert S. Willis, John G. Carlisle, Joseph C. S. Blackburn, Milton J. Durham, Thomas Turner, John B. Clarke.*

LOUISIANA. — *Randall L. Gibson, E. John Ellis,* Chester B. Darrall,[4] *Joseph B. Elam,* John E. Leonard,[5] *Edward W. Robertson.*

MAINE. — Thomas B. Reed, William P. Frye, Stephen D. Lindsey, Llewellyn Powers, Eugene Hale.

MARYLAND. — *Daniel M. Henry, Charles B. Roberts, William Kimmell, Thomas Swann, Eli J. Henkle, William Walsh.*

MASSACHUSETTS. — William W. Crapo, Benjamin W. Harris, Walbridge A. Field,[6] *Leopold Morse,* Nathaniel P. Banks, George B. Loring, Benjamin F. Butler, William Claflin, William W. Rice, Amasa Norcross, George D. Robinson.

MICHIGAN. — Alpheus S. Williams,[7] Edwin Willits, Jonas H. McGowan, Edwin W. Keightley, John W. Stone, Mark S. Brewer, Omar D. Conger, Charles C. Ellsworth, Jay A. Hubbell.

MINNESOTA. — Mark H. Dunnell, Horace B. Strait, Jacob H. Stewart.

MISSISSIPPI. — *Henry L. Muldrow, Van H. Manning, Hernando D. Money, Otho R. Singleton, Charles E. Hooker, James R. Chalmers.*

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[1] Unseated. *Peter D. Wigginton* admitted.

[2] Unseated. *Jesse J. Finley* admitted.

[3] Died. Succeeded by *William B. Fleming.*

[4] Unseated. *Joseph H. Acklen* admitted.

[5] Died. Succeeded by *John S. Young.*

[6] Unseated. *Benjamin Dean* admitted.

[7] Died December 20, 1878.

Missouri. — Anthony Ittner, Nathan Cole, Lyne S. Metcalf, *Robert A. Hatcher, Richard P. Bland, Charles H. Morgan, Thomas T. Crittenden, Benjamin J. Franklin, David Rea*, Henry M. Pollard, *John B. Clark, jun., John M. Glover, Aylett H. Buckner.*

Nebraska. — Frank Welch.[1]

Nevada. — Thomas Wren.

New Hampshire. — *Frank Jones*, James F. Briggs, Henry W. Blair.

New Jersey. — Clement H. Sinnickson, John H. Pugh, *Miles Ross, Alvah A. Clark, Augustus W. Cutler*, Thomas B. Peddie, *Augustus A. Hardenbergh.*

New York. — *James W. Covert, William D. Veeder*, Simeon B. Chittenden, *Archibald M. Bliss, Nicolas Muller, Samuel S. Cox, Anthony Eickhoff*, Anson G. McCook, *Fernando Wood, Abram S. Hewitt, Benjamin A. Willis, Clarkson N. Potter*, John H. Ketcham, *George M. Beebe, Stephen L. Mayham, Terence J. Quinn*,[2] Martin I. Townsend, Andrew Williams, Amaziah B. James, John H. Starin, Solomon Bundy, George A. Bagley, William J. Bacon, William H. Baker, Frank Hiscock, John H. Camp, Elbridge G. Lapham, Jeremiah W. Dwight, John N. Hungerford, *E. Kirke Hart, Charles B. Benedict, David N. Lockwood*, George W. Patterson.

North Carolina. — *Jesse J. Yeates*, Curtis H. Brogden, *Alfred M. Waddell, Joseph J. Davis, Alfred M. Scales, Walter L. Steele, William M. Robbins, Robert B. Vance.*

Ohio. — *Milton Sayler, Henry B. Banning*, Mills Gardner, *John A. McMahon, Americus V. Rice*, Jacob D. Cox, *Henry L. Dickey*, Joseph W. Keifer, John S. Jones, Charles Foster, Henry S. Neal, *Thomas Ewing, Milton I. Southard, Ebenezer R. Finley*, Nelson H. Van Vorhes, Lorenzo Danford, William McKinley, jun., James Monroe, James A. Garfield, Amos Townsend.

Oregon. — Richard Williams.

Pennsylvania. — Chapman Freeman, Charles O'Neill, *Samuel J. Randall*, William D. Kelley, Alfred C. Harmer, William Ward, I. Newton Evans, *Hiester Clymer*, A. Herr Smith, *Samuel A. Bridges, Francis D. Collins, Hendrick B. Wright, James B. Reilly*, John W. Killinger, Edward Overton, jun., John T. Mitchell, Jacob M. Campbell, *William S. Stenger, Levi Maish, L. A. Mackey, Jacob Turney*, Russell Errett, Thomas M. Bayne, William S. Shallenberger, Harry White, John M. Thompson, Lewis F. Watson.

Rhode Island. — Benjamin T. Eames, Latimer W. Ballou.

South Carolina. — Joseph H. Rainey, Richard H. Cain, *D. Wyatt Aiken, John H. Evins*, Robert Smalls.

Tennessee. — James H. Randolph, Jacob M. Thornburgh, *George G. Dibrell, Haywood Y. Riddle, John M. Bright, John F. House, Washington C. Whitthorne, John D. C. Atkins, William P. Caldwell, Casey Young.*

Texas. — *John H. Reagan, David B. Culberson, James W. Throckmorton, Roger Q. Mills, DeWitt C. Giddings, Gustave Schleicher.*[3]

Vermont. — Charles H. Joyce, Dudley C. Denison, George W. Hendee.

Virginia. — *Beverly B. Douglas*,[4] *John Goode, jun., Gilbert C. Walker*, Joseph Jorgensen, *George C. Cabell, John R. Tucker, John T. Harris, Eppa Hunton, Auburn L. Pridemore.*

West Virginia. — *Benjamin Wilson, Benjamin F. Martin, John E. Kenna.*

Wisconsin. — Charles G. Williams, Lucien B. Caswell, George C. Hazelton, *William P. Lynde, Edward S. Bragg, Gabriel Bouck*, Herman L. Humphrey, Thaddeus C. Pound.

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[1] Died. Succeeded by Thomas J. Majors.

[2] Died. Succeeded by John M. Bailey.

[3] Died January 10, 1879.

[4] Died. Succeeded by *R. L. T. Beale.*

DELEGATES.

ARIZONA. — *H. S. Stevens.*
DAKOTA. — Jefferson P. Kidder.
IDAHO. — *Stephen S. Fenn.*
MONTANA. — *Martin Maginnis.*
NEW MEXICO. — Trinidad Romero.
UTAH. — *George Q. Cannon.*
WASHINGTON. — Orange Jacobs.
WYOMING. — William W. Corlett.

APPENDIX I.

FORTY-SIXTH CONGRESS.

REPUBLICANS IN ROMAN; DEMOCRATS IN ITALICS; GREENBACKERS IN SMALL CAPITALS.

SENATE.

William A. Wheeler of New York, President.
John C. Burch of Tennessee, Secretary.
ALABAMA. — *John T. Morgan, George S. Houston.*[1]
ARKANSAS. — *Augustus H. Garland, James D. Walker.*
CALIFORNIA. — Newton Booth, *James T. Farley.*
COLORADO. — Henry M. Teller, Nathaniel P. Hill.
CONNECTICUT. — *William W. Eaton*, Orville H. Platt.
DELAWARE. — *Thomas F. Bayard, Eli Saulsbury.*
FLORIDA. — *Charles W. Jones, Wilkinson Call.*
GEORGIA. — *Benjamin H. Hill, John B. Gordon.*[2]
ILLINOIS. — *David Davis*, John A. Logan.
INDIANA. — *Joseph E. McDonald, Daniel W. Voorhees.*
IOWA. — Samuel J. Kirkwood, William B. Allison.
KANSAS. — Preston B. Plumb, John James Ingalls.
KENTUCKY. — *James B. Beck, John S. Williams.*
LOUISIANA. — William Pitt Kellogg, *Benjamin F. Jonas.*
MAINE. — Hannibal Hamlin, James G. Blaine.
MARYLAND. — *William Pinkney Whyte, James B. Groome.*
MASSACHUSETTS. — Henry L. Dawes, George F. Hoar.
MICHIGAN. — Zachariah Chandler,[3] Thomas W. Ferry.
MINNESOTA. — Samuel J. R. McMillan, William Windom.
MISSISSIPPI. — Blanche K. Bruce, *Lucius Q. C. Lamar.*
MISSOURI. — *Francis M. Cockrell, James Shields.*[4]
NEBRASKA. — Algernon S. Paddock, Alvin Saunders.
NEVADA. — William Sharon, John P. Jones.
NEW HAMPSHIRE. — Edward H. Rollins, Henry W. Blair.[5]
NEW JERSEY. — *Theodore F. Randolph, John R. McPherson.*
NEW YORK. — *Francis Kernan*, Roscoe Conkling.
NORTH CAROLINA. — *Matt W. Ransom, Zebulon B. Vance.*
OHIO. — *Allen G. Thurman, George H. Pendleton.*

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[1] Died. *Luke Pryor* appointed; *James L. Pugh* elected.
[2] Resigned. Succeeded by *Joseph E. Brown.*
[3] Died. Succeeded by Henry P. Baldwin.
[4] Died. Succeeded by *George G. Vest.*
[5] Charles H. Bell served under appointment to June 20, 1879.

OREGON. — *Lafayette Grover, James H. Slater.*
PENNSYLVANIA. — *William A. Wallace*, J. Donald Cameron.
RHODE ISLAND. — Ambrose E. Burnside, Henry B. Anthony.
SOUTH CAROLINA. — *Manning C. Butler, Wade Hampton.*
TENNESSEE. — *James E. Bailey, Isham G. Harris.*
TEXAS. — *Sam Bell Maxey, Richard Coke.*
VERMONT. — George F. Edmunds, Justin S. Morrill.
VIRGINIA. — *Robert E. Withers, John W. Johnston.*
WEST VIRGINIA. — *Frank Hereford, Henry G. Davis.*
WISCONSIN. — Angus Cameron, Matthew H. Carpenter.[1]

HOUSE OF REPRESENTATIVES.

Samuel J. Randall of Pennsylvania, Speaker.
George M. Adams of Kentucky, Clerk.

ALABAMA. — *Thomas H. Herndon, Hilary A. Herbert, William J. Samford, Charles M. Shelley, Thomas Williams, Burwell B. Lewis,*[2] *William H. Forney,* WILLIAM M. LOWE.

ARKANSAS. — *Poindexter Dunn, William F. Slemons, Jordan E. Cravens, Thomas M. Gunter.*

CALIFORNIA. — Horace Davis, Horace F. Page, *Campbell P. Berry,* Romualdo Pacheco.

COLORADO. — James B. Belford.

CONNECTICUT. — Joseph R. Hawley, *James Phelps,* John T. Wait, Frederick Miles.

DELAWARE. — *Edward L. Martin.*

FLORIDA. — *Robert H. M. Davidson, Noble A. Hull.*[3]

GEORGIA. — *John C. Nicholls, William E. Smith, Philip Cook, Henry Persons, Neil J. Hammond, James H. Blount, William H. Felton, Alexander H. Stephens, Emory Speer.*

ILLINOIS. — William Aldrich, George R. Davis, Hiram Barber, John C. Sherwin, Robert M. A. Hawk, Thomas J. Henderson, Philip C. Hayes, Greenbury L. Fort, Thomas A. Boyd, Benjamin F. Marsh, *James W. Singleton, William M. Springer,* ADLAI E. STEVENSON, Joseph G. Cannon, ALBERT P. FORSYTHE, *William A. J. Sparks, William R. Morrison,* John R. Thomas, *Richard W. Townshend.*

INDIANA. — William Heilman, *Thomas R. Cobb, George A. Bicknell, Jeptha D. New,* Thomas M. Browne, *William R. Myers,* GILBERT DE LA MATYR, *Abram J. Hostetler,* Godlove S. Orth, William H. Calkins, Calvin Cowgill, *Walpole G. Colerick,* John H. Baker.

IOWA. — Moses A. McCoid, Hiram Price, Thomas Updegraff, Nathaniel C. Deering, William G. Thompson, JAMES B. WEAVER, EDWARD H. GILLETTE, William F. Sapp, Cyrus C. Carpenter.

KANSAS. — John A. Anderson, Dudley C. Haskell, Thomas Ryan.

KENTUCKY. — *Oscar Turner, James A. McKenzie, John W. Caldwell, J. Proctor Knott, Albert S. Willis, John G. Carlisle, Joseph C. S. Blackburn, Philip B. Thompson, jun., Thomas Turner, Elijah C. Phister.*

LOUISIANA. — *Randall L. Gibson, E. John Ellis, Joseph H. Acklen, Joseph B. Elam, J. Floyd King, Edward W. Robertson.*

MAINE. — Thomas B. Reed, William P. Frye, Stephen D. Lindsey, GEORGE W. LADD, THOMPSON H. MURCH.

[1] Died February 24, 1881.
[2] Resigned. Succeeded by *Newton N. Clements.*
[3] Unseated. Horatio Bisbee, jun., admitted.

MARYLAND. — *Daniel M. Henry, J. Frederick C. Talbott, William Kimmel, Robert M. McLane, Eli J. Henkle*, Milton G. Urner.

MASSACHUSETTS. — William W. Crapo, Benjamin W. Harris, Walbridge A. Field, *Leopold Morse*, Selwyn Z. Bowman, George B. Loring, William A. Russell, William Claflin, William W. Rice, Amasa Norcross, George D. Robinson.

MICHIGAN. — John S. Newberry, Edwin Willits, Jonas H. McGowan, Julius C. Burrows, John W. Stone, Mark S. Brewer, Omar D. Conger, Roswell G. Horr, Jay A. Hubbell.

MINNESOTA. — Mark H. Dunnell, *Henry Poehler*, William D. Washburn.

MISSISSIPPI. — *Henry L. Muldrow, Van H. Manning, Hernando D. Money, Otho R. Singleton, Charles E. Hooker, James R. Chalmers.*

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RHODE ISLAND. — Nelson W. Aldrich, Latimer W. Ballou.

SOUTH CAROLINA. — *John S. Richardson, Michael P. O'Connor, D. Wyatt Aiken, John H. Evins, George D. Tillman.*

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[1] Died. Succeeded by *John F. Philips.*

[2] Died. Succeeded by Ossian Ray.

[3] Died February 13, 1881.

[4] Resigned. Succeeded by *Jonathan Scoville.*

[5] Unseated. *Jesse J. Yeates* admitted.

[6] Resigned. Succeeded by Ezra B. Taylor.

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DAKOTA. — Granville G. Bennett.

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MONTANA. — *Martin Maginnis.*

NEW MEXICO. — Mariano S. Otero.

UTAH. — *George Q. Cannon.*

WASHINGTON. — Thomas H. Brents.

WYOMING. — Stephen W. Downey.

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